English Translations of

Majmoo'al-Fatawa of late Scholar Ibn Bazz (R)

Second Edition

By:
Sheikh `Abdul `Aziz Bin `Abdullah ibn `AbdulRahman ibn Bazz (May Allah forgive and reward *al-Firdouse* to him and his parents)

He was The Mufti of **Kingdom of Saudi Arabia,**
Chairman of the Council of Senior Scholars,
and Chairman of Department of Scholarly Research and Ifta'

This English Translations are collected from
http://www.alifta.com
Portal of the General Presidency of Scholarly Research and Ifta'

This file is volume No.19 of 30

(Part No. 19; Page No. 1)

(Part No. 19; Page No. 2)

(Part No. 19; Page No. 3)

(Part No. 19; Page No. 4)

(Part No. 19; Page No. 5)

In the Name of Allah, the Most Gracious, the Most Merciful

Book on sales

Chapter on conditions of sale

(Part No. 19; Page No. 6)

(Part No. 19; Page No. 7)

Selling a car when fully in one's possession

Q 1: A car agency has an installment plan, which entails a client giving a down payment then an interest is charged on the remaining sum (i.e., the deferred sum) (around 11-20%). The sum is also subject to an increment according to the number of years agreed upon. What is the ruling on this?

A: In the Name of Allah, praise is due to Allah, and peace and blessings be upon the Messenger of Allah. If a company owns a car and takes possession of it by means of purchase, it is permissible for the company in this case to sell it to others according to the price agreed upon, along with the increment set by the company. There is no difference if the increment is fully or partially deferred, for there is no harm in this, since Allah (Glorified be He) says: (whereas Allâh has permitted trading and forbidden Ribâ (usury).) This is considered one type of Shar`y (Islamically lawful) sale as long as the company owns and possesses the car.

No wrong in buying from a company selling by installments if it possesses the commodity

Q: A company that sells by installments takes between 6 and 8% of the price of a car. It records the buyer's information and the description of the car that they want, and then it buys the car, and registers it in the customer's name, once the registration procedure is completed. What is the ruling on this?

A: There is nothing wrong in this if the commodity is owned by the company and in their possession. It is not forbidden to sell for a specified price, some of it in cash and the rest on credit, or all of it on credit, whether for a short or long fixed term.

However, the company must own the car first. There is no objection to a prospective buyer describing the car or land that they want and for the company to buy it, own it and sell it later, whether to that person or another one. There is no obligation on the buyer until the sale is contracted after the purchase.

Selling property after buying and holding it is valid

Q 3: A company buys real estate for people on limited incomes. The customer defines to the company the needed property and its price.

(Part No. 19; Page No. 9)

A committee is assigned to appraise the property and then before the purchase, the company takes 10% of the value of the property as a down payment from the customer. If the customer makes full payments within two years, his name will appear on the title deed of the property; otherwise, the property remains registered in the company name if the customer takes over two years to make full payment. What is ruling on this transaction?

A: There is no harm if the company buys the desired property. After the sale is complete, it is allowed to sell the property when the company takes possession and is given full access to it and permission of the first seller. Only then the company may sell it to the concerned customer or to anyone else but not before meeting this condition. It is impermissible to take any down payment from the customer. After buying and having full possession of the object of sale if it is property, or after buying and moving it if it is a moveable object, the company is allowed to sell it.

It is not permissible to sell movable things unless they are received and possessed

Q 4: A company purchases furniture and construction materials for others. Clients go to the company and specify the kind of furniture they want or construction materials. The client then pays the first payment such as the installments of cars and the rest of the deferred sum will paid on monthly installments with 10% interest for the company. It gives

(Part No. 19; Page No. 10)

a receipt to the client to receive his furniture from the furniture shop. The deferred sum is paid to the company that sets the installments. What is the ruling on this?

A: The company has no right to sell the furniture or other movable objects unless they are received to its possession and then it transfers the furniture to another place where the sale may be made. As for giving a down payment to the company before this is done, it is not permissible and it has no right to sell something unless it is received in its possession and then transfers it to another place. May Allah grant us success!

General Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

5- Ruling on buying apartments from banks in installments

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Chairman of Islamic Education Center in San-Donny, Paris; may Allah protect you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

With reference to your Fatwa request, registered in the Department of Scholarly Research and Ifta' under no. 1063 on 16/3/1407 AH, in which you are asking about the ruling on buying an apartment from a bank in installments.

I would like to inform you that there is no harm in buying an apartment from a bank in installments provided that you do not buy the apartment from the bank except after the bank buys it from the original owner. If the bank has bought it and it becomes totally in its possession, it is permissible to buy it in cash or on credit. May Allah guide us all to that which pleases Him!

As-salamu `alaykum warahmatullah wabarakatuh

President of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance

No wrong in selling by installments

Q: Someone bought a GMC vehicle from another person. It was valued at 40,000, but he paid 70,000 for it in installments. Is this permissible?

A: There is nothing wrong in this, because the owner of Barirah (may Allah be pleased with her) agreed with Barirah that she would buy her own freedom in installments; for an Uqiyyah (1 Uqiyyah = 40 Dirhams of silver = 119 grams) every year for nine years. This payment in nine yearly installments was agreed to during the time of the Prophet (peace be upon him), and he did not object to this.

There is no harm in buying by installments if it is for a fixed sum, term and description, according to the abovementioned Hadith, and based on the general evidence, such as Allah's Saying: (whereas Allâh has permitted trading and forbidden Ribâ (usury).) If you buy a car for 40,000, 30,000, or more or less, on basis of fixed-term installments, for instance 5,000 or 8,000 a year, or 1,000 a month, there is nothing wrong in this.

instances of forbidden sales by installments

Q: Would Your Eminence please tell us some instances of the Haram (prohibited) types of sale by installments. May Allah reward you with the best!

A: If someone buys something on credit in installments and then sells it for cash to the same person, this is called an 'Inah sale (sale with immediate cash repurchase for profit), which is not permissible. However, if they sell it to another person, there is nothing wrong in this. For instance, if a person buys a car in installments and then sells it for cash to someone else, so they can get married, pay their debts, or buy a house, there is nothing wrong in this. However, buying a commodity in installments and selling it for cash to the same person is an 'Inah sale, as this is a trick to acquire cash in return for more money on credit.

Ruling on increasing the price for credit and installment sales

Q: What is the ruling on increasing the price of commodities sold on credit and in installments?

(Part No. 19; Page No. 14)

A: Fixed-term credit sale is permissible if the sale meets the required conditions. There is also nothing wrong in selling by installments, if the amounts and due dates of installments are known. Allah (Glorified be He) says: ﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ The Prophet (peace be upon him) also said, ﴾"Anyone who pays in advance for later delivery should make such payment based on known (specified) measure and known weight for a known term."﴿ This is also supported by the story of Barirah, which was reported in the two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim). She bought her freedom from her masters for nine Uqiyyahs (1 Uqiyyah = 40 Dirhams of silver = 119 grams), paying one Uqiyyah each year. This is sale by installments was not objected to by the Prophet (peace be upon him); rather, he approved it and did not forbid it. It makes no difference whether the price to be paid is the same as the commodity cash price or higher than it due to deferred payment. With Allah is the success!

shari'ah regulations for installment sales

From 'Abdul-'Aziz ibn 'Abdullah ibn Baz to his dear brother, the editor-in-chief of "Al-Jazirah" newspaper, may Allah grant him success!

As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

In reference to your letter dated 21/2/1412 A.H., in which you mentioned that "Al-Jazirah" intends to issue a special supplement on the phenomenon of installment sales in our local markets, which is on the increase in our commercial life. You say that you would like to know the ruling of the Shari'ah (Islamic law) on this phenomenon through the questions you have asked. Below are the questions in order and their answers:

Q9: In your opinion, what are the regulations that protect the rights of both parties in a sale by installments, and consequently the rights, order, and security of society?

A: Fixed-term deferred payment sales are generally permissible, based on the general meaning of Allah's Saying: (O you who believe! When you contract a debt for a fixed period, write it down.) Also, a raise in the price in return for a delay in payment is not objected to. There is an authentic report

(Part No. 19; Page No. 16)

from the Prophet (peace be upon him) which indicates that this is permissible, when he (peace be upon him) ordered 'Abdullah ibn 'Amr ibn Al-'As (may Allah be pleased with them both) to equip the army by buying a camel for two camels on credit. Both the buyer and the seller must know the ruling of Shari'ah (Islamic law) on such a transaction, so that they will not get involved in Haram (prohibited) contracts. Otherwise, some people might sell what they do not have, then buy the commodity and give it to the buyer and some people might buy a commodity and sell it immediately while it is still on the premises of the seller, before having taken lawful possession of it. Neither of these sales are permissible, based on the Hadith authentically reported in which the Prophet (peace be upon him) said to Hakim ibn Hizam, ("Do not sell what you do not have.") He (peace be upon him) also said, ("A loan and a sale are not lawful (together, i.e. concluded as two transactions in one), or to sell what you do not have.") He (peace be upon him) also said, ("Anyone who buys food should not sell it until they have fully received it.") Ibn 'Umar (may Allah be pleased with them both) said,

(Part No. 19; Page No. 17)

"We used to buy food in a lump, so the Messenger of Allah (peace be upon him) forbade us from selling it until we had moved it to our premises."

It was also authentically reported that the Prophet (peace be upon him) (Forbade the sale of goods until the tradespeople had transferred them to their premises.)

From these Hadith and others of the same meaning, it is clear to a seeker of the truth that it is not permissible for a Muslim to sell a commodity that they do not have in possession, and then buy it back. In fact it is obligatory to delay selling it until they have bought it and it is permissible for them to take possession of it. It is also clear that what many people do by selling commodities while they are still on the seller's premises before moving them to the buyer's premises is not permissible, because it contradicts the Sunnah (whatever is reported from the Prophet). It also entails manipulation of transactions and not abiding by the sanctified Shari'ah regarding them, and this leads to evil, corruption, and countless dangerous consequences.

(Part No. 19; Page No. 18)

Selling commodities before having and holding them in possession is not permissible

Q 10: A merchant shows samples of some products such as refrigerators, washing machines, etc. and when a client wants to buy an item, the deal is made and then he calls the provider, buys the required quantity, delivers the order to the client at which time he receives payment. What is the ruling on this sale?

A: This kind of sale is not permissible, because the buyer sells the commodity before it is in his possession. It is authentically reported that the Prophet (peace be upon him) stated: ﴾A loan and a sale are not lawful (together in one contract) and it is not permissible to sell what you do not have.﴿ It is also reported that the Prophet (peace be upon him) said to Hakim ibn Hizam: ﴾Do not sell what you do not possess.﴿

(Part No. 19; Page No. 19)

It is also reported that the Prophet (peace be upon him) ﴾forbade the sale of goods where they are bought until the tradesmen take them to their houses.﴿ May Allah grant us success!

Ruling on buying from company representatives at automobile showrooms

Q 11: There are company representatives and when a person wants to buy a car on an installment plan, they agree with the showroom owner regarding the price then contact a company representatives so that the company will pay all the cost for the car showroom; then the buyer pays the monthly installments. Kindly clarify for showroom owners and buyers the ruling on this type of transaction!

A: This transaction is contrary to

(Part No. 19; Page No. 20)

the Shari`ah (Islamic law) ruling. It was authentically reported that the Prophet (peace be upon him) stated: ("A loan and a sale are not lawful (when made together at the same contract) and it is not permissible to sell what you do not have.")

It is authentically reported that the Prophet (peace be upon him) said to Hakim ibn Hizam: (Do not sell what you do not possess.) It is authentically reported on the authority of Zayd ibn Thabit (may Allah be pleased with him) that the Prophet (peace be upon him) (forbade the sale of goods where they are bought until the tradesmen take them to their own baggage (i.e. take possession of them).) The act of the company in question is contrary to these Hadiths, for they sell what they do not own and therefore it is not permissible. Allah (Glorified be He) states: (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.) The Shar`i (Islamically lawful) way of purchase is that the company buys

(Part No. 19; Page No. 21)

the cars and takes possession of them in its showrooms and then sells them for cash or on credit. May Allah guide all to what pleases Him!

Buying and selling cars by installments

Q 12: Some Muslims inquire about trading in cars by installments. They sell cars by receiving their value in the form of monthly installments, making a deal with the prospect buyer and guaranteeing their profits before buying the car for him. What is the ruling on this?

A: If the seller owns the car and it is registered in their name and fully possessed by them, it is permissible to sell it. However it is not permissible to dispose of it before taking possession of it. The Prophet (peace be upon him) said to Hakim ibn Hizam: ﴾Do not sell what you do not possess.﴿ He (peace be upon him) also said: ﴾A loan

(Part No. 19; Page No. 22)

and a sale are not lawful (together), or to sell what you do not have.﴿ These two are Sahih (authentic) Hadith that should be acted upon. One should avoid what contradicts them. May Allah grant us success!

Q 13: I bought a car and then sold it in installments. It is well known that an installment plan costs the buyer more than the original price in total. For example, I buy a car for 50,000 riyals in cash and sell it in installments over a period of three years for 80,000 riyals. Then the one who owns the car is either to sell it in turn or use it. What is the ruling on such dealing?

May Allah prolong your life and make your knowledge useful!

A: There is nothing wrong with such a sale, provided that the car is in the possession of the seller at the time of selling it in installments over a fixed period of time. This transaction falls under the ruling in Allah's Statement:

(Part No. 19; Page No. 23)

﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ And: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ It was authentically reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of `Aishah (may Allah be pleased with her) that a bondmaid called Barirah made an agreement with her masters to buy her freedom in nine installments, paying one installment of 40 dirhams each year. There are many evidence to the same effect.

The buyer in installments is permitted to make use of the car or sell it, but he is not permitted to sell it to the one he bought it from for less than the paid price in cash. This type of transaction is known as `Inah sale (sale with immediate cash repurchase for profit), which is Haram (prohibited). May Allah grant us success!

Q 14: I am an employee and I want to buy a car in installments, but the concerned authority refused to approve the documents of sale. Is it permissible for me to pay a sum over the price of the car to the company to agree to the sale?

A: There is nothing wrong with selling in installments if the car or the commodity is in the seller's possession and you are to pay for it in fixed installments. Do not buy anything that is not in the seller's possession. If you can get it by a way other than of the concerned authority by paying for it in installments,

there is nothing wrong with that. What matters is that the commodity is in the possession of the seller and the sale price is known.

A piece of advice to merchants and consumers of installment sales

Q: Is there any advice that Your Eminence could give to our brothers, merchants and consumers, about installment purchases?

A: My advice for them is to fear Allah both in private and in public, to know that Allah observes them in all their dealings, to remain honest and truthful in both their sales and purchases; and to avoid lying, cheating, and all such dealings and contracts that contradict the purified Shari`ah of Islam. I advise merchants to fear Allah regarding those who are in need of this type of deferred sale. Merchants should deal with them kindly and should not raise the cost of their goods so much that it burdens the purchasers, or be tough and hard when claiming their money. The Prophet (peace be upon him) urged good-heartedness in buying and selling and paying off one's debt and claiming one's rights. He (peace be upon him) stated: ﴾Good amongst people is he who is best in paying off debt.﴿ The Prophet (may Allah's Peace and Blessings be upon him) also says:

(Part No. 19; Page No. 25)

﴾The seller and the buyer have the right to keep or return goods as long as they have not parted or till they part; and if both the parties spoke the truth and described the defects and qualities (of the goods), then they would be blessed in their transaction, and if they told lies or hid something, then the blessings of their transaction would be lost.﴿ (Agreed upon by Imams Al-Bukhari and Muslim). I also advise the consumers to fear Allah regarding both themselves and those under their guardianship. They should not rush into buying what they do not need, because this will increase their debts and they will find themselves unable to fulfill their commitments. Thus, they will create hardship for themselves and those under their guardianship though their intention was to buy more goods and benefit from these offered facilities due to not considering the outcome. What is required is moderation in all matters. Urging moderation in spending, Allah (may He be Praised) states: ﴾And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.﴿ Praising His faithful servants, Allah (may He be Praised) states: ﴾And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).﴿

(Part No. 19; Page No. 26)

May Allah grant us all guidance and success! Allah's Peace and Blessings be upon our Prophet, his family and Companions. As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

General Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

(Part No. 19; Page No. 27)

There is no harm in selling by installment if the time of repayment is defined

Q 16: I sold one of my friend a car for (40000) forty thousand Riyals to be paid in monthly installments i.e. (2000) two thousand Riyals every month. Experiencing a financial crisis, my friend asked me to sell it at the showroom since the car is still registered in my name and he signed a bill and did not pay me in cash. I stipulated that my friend should be present in order for him to receive payment and consent to the sale. He agreed and the car was sold for (27000) twenty seven thousand Riyals. After receiving the money, he repaid some of his debts. I had no money to lend him and all I had was this car that he had already bought from me as I mentioned. Really, I did not even desire to sell it. Does this transaction on my part bear any feature of Riba (usury)? Is selling by installments permissible, knowing that my car cost me a sum of (35000) thirty five thousand Riyals?

(Part No. 19; Page No. 28)

A: There is no harm in selling through installment if the time of their repayment is defined. This is based on the general meaning of Allah's (Glorified and Exalted be He) statement: (O you who believe! When you contract a debt for a fixed period, write it down.) Thus, Allah permitted lending for a fixed time. If the installments and the times of their repayment are clearly defined, then there is no harm in this. Your case with your friend meets this (condition): It was agreed that he would pay (2000) two thousand Riyals every month. Thus the installments were defined and the total sum was defined (40000) forty thousand Riyals. There is no harm in this on condition that the car at the time of sale was possessed by you and you had the right to sell it. I repeat again that there is no harm in this.

As for your undertaking the second sale of the car for your friend, you are benevolent in doing so. This comes under guardianship. Thus, this is a favor you did and will be rewarded as long as you did so for Allah's Sake.

There is no certain limit for profit on a deferred sale

Q 17: Is it permissible to buy a car whose market value reaches (30000) thirty thousand Riyals for a monthly installments that total (50000) fifty thousand Riyals i.e. there is a difference between the original price and the price after installments, which reaches (20000) twenty thousand Riyals? Is there any harm in doing so?

(Part No. 19; Page No. 29)

A: There is no harm in the mentioned transaction, if the car is in the seller's possession based on the general indications. There is no certain limit for profit as this differs according to the condition of the purchaser and the terms of installments.

It is authentically reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of `Aishah (may Allah be pleased with her) that Barirah (may Allah be pleased with her) bought her freedom from her master for nine Uqiyyahs to be paid during nine years i.e. an Uqiyyah i.e. (40 Dirhams of silver = 119 grams) each year. This was not disapproved of by the Prophet (peace be upon him). Moreover, the Prophet did not enquire about whether it was to be paid in cash or installments. May Allah grant us success!

Repentance from ill-gotten gains

Q 18: If a person receives some unlawful gains and then knows that this is Haram (prohibited) and repents to Allah, what should they do with such unlawful gains?

A: If they did this out of ignorance, they shall not be punished for the past and their case is for Allah to judge. Allah

(Part No. 19; Page No. 30)

(Glorified and Exalted be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire﴿ Thus, if one was ignorant of the ruling, then one will not be punished for the past. However, if it was done knowingly while neglecting the ruling, then one should give these unlawful gains in charity. Even if such unlawful gains reach half, third, or quarter of their wealth, they should give it in charity to the poor and the needy. If one did not know the ruling and upon learning it repents to Allah, then one will not be punished for the past.

The condition of legal possession of a car

Q: If I buy a car and pay in cash and this is registered at the showroom, does this constitute ownership or must I transfer ownership at the Traffic Department, knowing that I intend to sell it?

A: If the sale was concluded and you received the car, then you may dispose of it as you wish provided that you move the car to your place, to another place, or to another showroom in order for it to enter into your possession. The Messenger (peace be upon him) forbade that goods be sold where they are bought until

(Part No. 19; Page No. 31)

the merchant takes possession of them. Even if there are some procedures that have not been accomplished, the sale must be binding upon your departure.

Ruling on receiving commission on sales

Q: One friend told me that he wants to buy a car through installments. He asked me if I knew a seller and I replied in the affirmative. Then, I went to the owner of a car and told him that I knew a customer, but that I wanted a commission without the knowledge of my friend. What is the ruling on what I did?

A: There is no harm in receiving commission. There is no harm in searching for a seller or a purchaser with the condition of receiving a commission.

Ruling on earnings gained through false documentation

Q: A man got a job on the basis of a certificate he obtained by cheating on the exam. Now, he is doing well on the job, according to his colleagues. What is the ruling on his salary – is it Halal (lawful) or Haram (prohibited)?

(Part No. 19; Page No. 32)

A: There is nothing wrong in sha'a-Allah (if Allah wills), but he has to repent to Allah for his cheat. If he is doing the job as it should be done, then there is no sin on him with regard to his earnings, but he made a mistake by lying and he must repent to Allah from this.

Ruling on one who buys a specific piece of fabric but it turns out to be of greater length

Q: I paid for seven pieces of cloth but then discovered that there were eight. What should I do regarding the additional piece if the seller has gone?

A: He asks what he should do after purchasing seven pieces of cloth and discovering that they are eight. The same question was asked by a person who bought seven containers and when counting them found that they were eight. What should be done regarding the additional piece? Should one give it back to its owner?

Yes, he should give it back to its owner. He should search for and give him the additional piece. If he cannot find him, then he should give it in charity to the poor intending to be on behalf of its owner. However, he should wait awhile as perhaps he can find its owner. If he cannot find him, then he should give it in charity to the poor with the intention that this is given on behalf of its owner who will receive its reward on the Day of Judgment.

Ruling on taking commissions

Q 23: We hope you will clarify the ruling on a very widespread phenomenon. Purchasing agents for some organizations or companies tend to take money during the sale process. This may take place in two ways:

One way is that the agent asks the seller to write a price higher than the actual price of the commodity on the invoice, thus taking the difference for himself.

The second way is when the purchasing agent asks the seller to write him an invoice with the actual market price of the commodity, but takes an adequate commission from him corresponding to the amount of the purchase, and in return for becoming their regular customer. Please advise, may Allah reward you best!

A: Praise be to Allah, and peace and blessing be upon the Messenger of Allah!

Both forms mentioned in the question are prohibited; both are considered a breach of trust, whether the agent agrees with the seller to write a price higher than the market price or writes the real market price of the commodity on the invoice and takes a commission from the seller in private. Both forms are prohibited and considered deceit. It is not permissible for an agent to choose what suits him, not caring about the price that mostly benefits the company and acquits him. This agent's main concern is the mutual interest exchanged between him and the seller, disregarding the company's interest by asking for a lower price out of faithfulness to it and fulfillment of the trust. Thus, both acts are not permissible as they are deceit.

Recording contractual agreements ensures rights

Q 24: What is the ruling on individuals contracting transactions?

A: Allah commands that we record contracts which involve

loans and financial liabilities. Allah (may He be Praised) states in an Ayah at the end ofSurah Al-Baqarah: (You should not become weary to write it (your contract), whether it be small or big, for its fixed term, that is more just with Allâh; more solid as evidence, and more convenient to prevent doubts among yourselves) This Ayah points out that writing the contract helps prevent doubts, is more just and solid as evidence, as it secures one's rights. You, therefore, should bring scribes to record everything when necessary. Yet, there is no harm if you do not draw up a contract for quick transactions that do not carry financial liabilities. Examples of such transactions include selling a cloak, container, or foods wherein two parties depart once the transaction is concluded. The purchaser pays the price and receives the item of sale instantly, so the contract is needless. Hence, contracts are required for transactions that involve financial obligations to remind both parties. Allah states: (O you who believe! When you contract a debt for a fixed period, write it down. Let a scribe write it down in justice between you.) These contracts secure people's rights.

25 - The ruling on buying a commodity with a deferred price through banks

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our honorable Muslim brother. May Allah protect him!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Referring to your question, recorded in the Administration of Scientific Researches and Ifta' No. (2912) dated 24/7/140 A.H., in which you ask about the ruling on buying a car or any other commodity with a deferred price through a third mediator, which is the bank. The mediator will benefit from the interest that will be added to the original price.

I would like to inform you that if the bank buys a car from its owner and then sells it to you after full possession, there is no harm in doing so even if it is sold for more price than its original price. If the seller is the original owner and the bank is just paying the price and then it will collect the profit for that, this is not permissible because it is selling dirhams for dirhams (the bank gives a value and the buyer should give the same value but he pays additional value i.e. interest) and that is forbidden

because it is a kind of Riba (usury). There are already Fatwas that have been issued from the Permanent Committee for Scholarly Research and Ifta' concerning the ruling on selling for a fixed term as well as the ruling on taking loans from banks with an interest. We shall send you a copy of it, Allah's willing.

May Allah guide all the people to things which please Him. As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

Ruling on selling animals for animals on delayed payment

Q 26: Is it permissible to sell one sheep for two or three sheep on delayed payment for twenty years or more?

A: According to the preponderant view, it is permissible to sell an animal, which is present at the time of the transaction, for one or more animals on delayed payment or for a known term, short or long, if the price is set in compliance with the animal characteristics, whether the animal is of the same or different kind of the one to be sold. It was authentically reported that the Prophet (peace be upon him) ﴾took a camel to be replaced by two when the camels of sadaqah (charity) came.﴿ (Related by Al-Hakim and Al-Bayhaqy through a trustworthy chain of narrators).

Ruling on selling living animals according to their weight

Q: Some people sell animals such as cows, sheep and the like while they are alive in kilos with a definite price for the kilo even though the buyer may intend to keep the animal or slaughter it

(Part No. 19; Page No. 39)

and then sell it to people. Therefore, one may go to a stock breeder and choose a certain animal, he would bring a scale and weigh the animal alive and sell it ten Riyals for a kilo for example, what is the ruling on this kind of sale?

Give me a Fatwa, may Allah reward you well!

A: We think that there is no harm in selling vendible animals such as camels, cows, sheep and the like in kilos whether they are alive or slaughtered according to the general saying of Allah (Glorified be He): (whereas Allâh has permitted trading and forbidden Ribâ (usury).) Also, when the Prophet (peace be upon him) was asked: (What type of earnings is the best? He answered: "The work done by a man's own hand, and every good sale.) Moreover, this includes no Gharar (uncertain sale) or Jahalah (sale with lack of knowledge). Allah is the One Who brings success.

Ruling on selling dogs

Q 28: What should one do with the price of dogs?

A: It should be given back to the original owner because the sale is Batil (null and void).

Ruling on presenting a dog as a gift

Q 29: A man gave me a dog as a gift and I gave him a gratuity in return. What is the ruling on the gratuity I gave him?

A: There is no harm in giving gratuities, as based on some Hadiths indicating there is no harm in doing so, as long as it is not included in sale and purchase.

Ruling on selling beasts of prey

Q 30: By analogy with dogs, is selling beasts of prey prohibited?

A: Selling beasts of prey is more entitled to be prohibited as they are evil, cunning, and useless. Selling beasts of prey, including lions, tigers, wolves, and cheetahs, is prohibited and the sale is Batil (null and void).

Ruling on having inedible birds

Q 31: What is the ruling on having inedible birds?

(Part No. 19; Page No. 41)

A: According to scholars, if a person will benefit from these birds, such as using hawks and falcons in hunting, it is permissible to keep them in one's possession. The same ruling applies to hounds, eagles, hawks, or falcons, if they are bred for benefit, namely, hunting.

Ruling on selling and keeping embalmed animals

Q 32: What is the ruling on the acquisition of embalmed birds or animals?

What is the ruling on selling them?

Would it make a difference in the ruling on the acquisition of an embalmed animal or bird if its acquisition alive is prohibited or permissible?

What should a Muhtasib (the one responsible for enjoining good and forbidding evil in markets) do towards such a phenomenon?

A: The acquisition of embalmed birds and animals, whether it is prohibited or permissible to keep them alive, is extravagance and waste of money in the expenses incurred in embalmment. Allah and His Prophet (peace be upon him) have forbidden wasting of money. Furthermore, making statues of birds or other animate beings in addition to suspending them in houses, offices and other places are means to believe in them.

(Part No. 19; Page No. 42)

All this is prohibited. Thus, it is not permissible to sell or possess such things. Accordingly, a Muhtasib should clarify this ruling to people and should also prevent their circulation in markets. The people of Nuh (Noah) fell into Shirk (associating others with Allah in His Divinity or worship) when they made statues for Wad, Suwa`, Yaghuth, Ya`uq and Nasr, despite that they were righteous people who died at close times amongst them. However, Satan deluded the people of Nuh, leading them to make statues for them and erect them at their gathering places, and they did. As a result, they fell into Shirk as mentioned by Al-Bukhari (may Allah be merciful with him) in his Sahih (authentic) Book of Hadith on the authority of Ibn `Abbas (may Allah be pleased with both of them). This was also mentioned by many Mufassirs (exegetes of the Qur'an), Muhadiths (Hadith scholars) and historians. Allah is the One to be sought for help. There is neither might nor power except with Allah, the Most High, the Most Great.

The meaning of "Bay` Al-Kali' bil Kali'"

Q 33: What is the meaning of "Bay `Al-Kali' bil Kali'"? If I buy a product on credit and sell it on credit as well before paying its full price, is this sale valid?

A: "Bay` Al-Kali' bil Kali'" means a debt for debt sale and the Hadith mentioned

(Part No. 19; Page No. 43)

to this effect is Da`if (a Hadith that fails to reach the status of Hasan, due to a weakness in the chain of narration or one of the narrators) as clarified by the knowledgeable Al-Hafizh ibn Hajar (may Allah be merciful to him) in "Bulugh Al-Maram". However, its meaning is Sahih (authentic) as clarified by the knowledgeable Ibn Al-Qayyim (may Allah be merciful to him) in his book "I`lam Al-Muwaqi`in". This was declared by other scholars as well. The description of this: if a person is indebted to another, in such case, the creditor tends to sell the debt to another person or to the debtor themselves; this does not include either certainty or exchange. But, if the sold object and the price are of the things that are subject to Riba (Usury- interest), it is permissible to take either the good or the money on condition that the exchange takes place in the same sitting, if they are of the same type. If they are of different types, it is permissible for the amounts exchanged to differ on the condition that the exchange takes place in the same sitting, according to what is authentically reported that the Prophet (peace be upon him) ﴾was asked by one of the Sahabah (Companions of the Prophet), who said: "O Allah's Messenger! I would like to ask you; I sell camels for Dinars and accept Dirhams for them, and sell for Dirhams and accept Dinars for them. I take these for these and give those for those. The Messenger of Allah (peace be upon him) then said: "There is nothing wrong with taking them according to the current price, as long as you do not separate leaving something unpaid."﴿ Related by Imam Ahmad, Al-Tirmidhy, Ibn Majah, Abu Dawud and Al-Nasa'y with a Sahih (authentic) Isnad (chain of narrators) on the authority of Ibn `Umar (may Allah be pleased with both of them) and is classed as Sahih by Al-Hakim, in addition to the existence of other indications in the same regard.

(Part No. 19; Page No. 44)

As for a person who buys a commodity on credit and sells it to another person after holding its possession on credit or in cash; this is permissible; for Allah (Glorified be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ He (Glorified and Exalted be He) also says: ﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ Yet, it is not permissible to sell the commodity, which they have bought on credit to the person whom they bought it from, for a lesser sum in cash, as in this case this will be one of the forms of `Inah sale (sale with immediate cash repurchase for profit) and a means to Riba. May Allah grant us success!

Ruling on selling cologne

Q34: Some types of cologne that are sold on the market are used by some people as perfume and others use it as an alcoholic beverage. If a seller sells it to a Fasiq (someone flagrantly violating Islamic law) who takes it as an alcoholic beverage, what is the position of the seller?

A: We should first investigate whether this type of cologne is being sold, because the most likely assumption is that it will not be on sale if it is used as an alcoholic beverage and contains an intoxicant.

(Part No. 19; Page No. 45)

It is most likely prohibited from being sold and it is obligatory to do so to block the means leading to evil. However, if it happens that someone does sell it, not knowing what the buyer is going to do with it, there is nothing on them; no sin on them. However, if the seller knows that the buyer is going to use it as an intoxicant, they should not sell it to them, as, in this case, it is a form of cooperation in sin and transgression, which is not permissible. If it is known that someone sells it to those people, the ruler should punish them for selling it to people who are known to use it for evil. They should be informed that they have only been allowed to sell it as a perfume, although, it should not actually be used at all, as it seems to us that as long as it has an intoxicant in it - which is a spirit that is known to be an intoxicating, harmful substance - it is not permissible to use it and we should beware of it.

Ruling on selling idols

Q 35: Is selling idols not permissible in all cases? For example, if someone buys a gold idol to melt it and make use of it, is this act permissible?

A: It is not permissible to sell idols. Yet, there is no harm if the owner breaks the idol then sells it. It is not permissible to sell the idol while still being in its status. The broken idol loses its status as an idol, which can be worshipped by people. In such a case, it is permissible to sell it. Muslims are obliged to break up idols and sell their fragmented pieces.

It is not permissible to sell the license of a granted land before full possession

Q 36: What is your opinion on those who take the license of granted lands and sell them before their full possession over them?

A: It is not permissible to do so until a person possesses the land, because this is a kind of deception.

Ruling on selling dry dates, salt and wheat on credit

Q 37: Dear Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, **may Allah protect you! As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

We are the youth of Al-Darjaj territory in Yemen:

(Part No. 19; Page No. 47)

We submit to you this letter asking about two important questions which we would like you to answer in written form in order to show them the answer. May Allah guide you to the correct sayings and actions!

The first question is: We have some malls which sell to people on credit. Among these things are wheat, dry dates and salt; what is ruling on such dealings?

A: As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To continue:

Regarding the first question, there is no harm in selling wheat, dry dates and salt on credit as long as the sold object, the price and the duration is known. Likewise, if the sold object was a pile of dry dates, salt, wheat and suchlike provided that it is seen by the buyer.

Ruling on donating blood for money

Q38: Is it Halal (lawful) to take money for donating blood or not?

(Part No. 19; Page No. 48)

A: It was authentically reported in "Sahih Al-Bukhari" (may Allah be merciful to him) on the authority of Abu Juhayfah (may Allah be pleased with him) that (The Messenger (peace be upon him) forbade the price of blood.) Accordingly, it is not permissible for a Muslim to take money in return for blood donation, based on this Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish). If you have taken money for it, you should give it away as Sadaqah (voluntary charity) to some poor people.

Ruling on selling in installments, Tawarruq sale, `Inah sale and giving loans for an interest

Praise be to Allah Alone. May Allah's Peace and Blessings be upon the Last Prophet and upon his family and companions.

I have been asked about the ruling on selling bags of sugar for 150 Riyals in installments in spite of its value in cash is only 100 Riyals.

The answer is that there is no harm in this kind of transaction, since selling for cash differs from selling in installments and Muslims practiced

(Part No. 19; Page No. 49)

this kind of transaction for a long time so that it became like an agreement from them on its validity. However, some scholars disallowed the increase in price due to the delay thinking that it is Riba (usury/interest) but this opinion is incorrect. This transaction is not Riba; the trader sells in installments in order to receive the increase and the purchaser agreed to that because of the delay and due to being incapable of paying the whole price in cash and both of them receive an advantage out of this. Moreover, there are authentic reports that indicate that the Prophet (peace be upon him) allowed this. For example, the Prophet (peace be upon him) ordered `Abdullah ibn `Amr ibn Al-`As (may Allah be pleased with both of them) to prepare an army so he might buy a camel for two camels in installments. Also, this transaction is included in the generality in the statement where Allah (Glorified be He) says: ﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ It is a permissible deal according to the Ayah (Qur'anic Verse) mentioned above and regarded as Salam sale (sale with advance payment), as a trader in Salam sale (sale with advance payment) sells cereals or any other commodity in Salam against a price less than the price of the commodity when it is delivered to the trader and this increase accounts for giving the price presently and delaying delivering it. This case is an inverse to the issue at hand. It is permissible according to Ijma` (consensus of scholars). Moreover, people are in need of sale in installments just as they need Salam sale and the increase in it resembles the increase in Salam

(Part No. 19; Page No. 50)

as the increase in Salam is based on delaying delivering the sold object and the increase in the sale for installments is for delaying deliverance of the price. However, if the aim of the purchaser of the good is something other than using it such as selling it and making use of its price, this transaction is called Tawarruq sale (selling by installments, then the purchaser selling the product to a third party for cash) or Wa`dah for common people. Scholars disagreed with regard to the permissibility of this dealing and they are of two views: **First:** It is forbidden or reprehensible as the purpose her is acquiring money for money whereas the sold article is just a medium.

Second: Some scholars argue that this transaction is valid due to the dire need of it, since not every person in want of cash money will find someone to lend it to him without asking for Riba. Moreover, it is included in the general Ayahs (Qur'anic verse), ﴾whereas Allâh has permitted trading﴿ Allah (Exalted be He) also says: ﴾O you who believe! When you contract a debt for a fixed period, write it

down.》 It should be known that the original ruling on transactions is the validity unless there is evidence disallowing them and there is no legal evidence that nullifies this transaction.

Those who deemed it as prohibited or abominable relied on that the aim of which in this case is getting cash but this does not entail the legal prohibition or the undesirability because the purpose of traders in general is getting more money by less money and the sold object is the medium in

all cases. In fact, this transaction is only disallowed if the article is purchased and sold to one person as in `Inah sale (sale with immediate cash repurchase for profit) as this is regarded as a way to legalize consuming Riba. The example of this is a person purchases a product from another against a price in advance and then the purchaser sells the same commodity to the same person (seller) against a price less than the price in advance and gives him the price of the object in the same time. This case is legally prohibited due to what it involves of legalizing Riba and is called `Inah sale (sale with immediate cash repurchase for profit). There is a Hadith concerning this that is reported on the authority of `Aishah and Ibn `Umar (may Allah be pleased with them) which forbids it.

Tawarruq transactions, which some people call Wa`dah, differs from `Inah, as the purchaser in the case of Wa`dah buys the commodity from somebody in advance and sells it to another in cash money owing to his need for cash. This case is not a way to legalize Riba for the one to whom the article is sold is a different person. The problem here is that many people do not abide by Allah's Rules in this regard and some of them sell things that they do not possess and buy the product thereafter and deliver it to the buyer or that some others sell the commodity while it is still in the store of the original seller before he receives it in the prescribed manner and both ways are not allowed. It is authentically reported that the Prophet (peace be upon him) said, to Hakim ibn Hizam: 《Do not sell what you do not possess.》

Also, he (peace and blessings be upon him) said: 《A loan and a sale are not lawful (together in the same contract) and it is impermissible to sell what you do not have.》 The Prophet (peace be upon him) said: 《He who buys foodstuff should not sell it until he has totally taken possession of it.》 Ibn `Umar (may Allah be pleased with them both) said: 《We used to buy food without measurement, so the Prophet (peace be upon him) sent us a person who forbade us from selling it until we transfer it to our dwellings.》 It is authentically reported that 《the Prophet (peace be upon him) forbade selling goods where they were bought until the tradesmen took them to their houses.》

These Hadiths and other Hadiths of the same meaning show that it is not permissible for one to sell what he does not possess and

goes and purchases it after that. It is obligatory to delay selling until one takes full possession of what they buy. This signifies the illegality of what many people do concerning selling goods in the store of the first seller before they move them to their possession or to the market, as this disagrees with the Sunnah of the Prophet (peace be upon him) and reflects disregard towards the Shari`ah of Allah. In addition, it causes corruption, evil and bad results that are known only to Allah. We ask Allah to help us and all Muslim adhere to His Shari`ah and help us stay away from what contradicts it.

The increase that renders a transaction forbidden as usury is that which is given to a creditor when the time of settlement becomes due in order to respite the debtor. This unallowable act was

practiced by people in pre-Islamic era and they used to say to the debtor the famous saying, "Either you repay your debts at once or give me interests." Islam forbade it and Allah revealed concerning it His Saying: (And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay) Moreover, scholars agreed on the prohibition of this increase and every transaction leads to legalizing it. For example, a creditor asks his debtor to buy a commodity like sugar in installments and then asks him to sell that commodity to him for cash and makes him repay the debt. This dealing is an indirect way to consume unlawful interest which people of the pre-Islamic era dealt in but

in another way.

It is obligatory to refrain from that and grant the insolvent person time so that he becomes able to repay it and the latter should fear Allah and use the lawful and available means in order to settle the debt and avail himself of the right of creditors.

If they neglect this and do not exert effort to repay the due rights using legal means, they are counted as evildoers and unfaithful towards what they were entrusted with. They are procrastinators. It is authentically reported that the Prophet (peace be upon him) said: (Procrastination (delay) in paying debts by a wealthy man is injustice.) Also, the Prophet (peace and blessings be upon him) said: (Procrastination (in paying off a debt) by a well-to-do person makes his honor and his punishment permissible.) Allah is the One Whose help is sought.

The Riba-based transactions also include what is practiced by some banks and merchants concerning increase to loans whether unlimitedly or a fixed amount given every year.

The example of the first case is that a person gives somebody one thousand, as a loan, on the condition that the debtor repays it as one thousand and one hundred or to lend him his house, shop, car or anything else

for a definite time.

The example of the **second case is** that the debtors determine for the creditor a fixed earning every year or month, against using the money he received from the creditor as a debt or trust since every amount of money one takes as a trust in order to dispense with is regarded as insured debt and it is not permissible to pay the owner of the money anything unless there is an agreement between them and the bank or the lender to use this money in Mudarabah (giving an amount of money to trade with in return for a share in the profit) in return for a determined share of the profit for both of them. This contract is also called Qarad and it is permissible according to Ijma'. This is because both of them share profit and loss. The money of this contract is regarded as a trust in the hands of the one who trades with it and if it is damaged without transgression or negligence on his part, he will not ensure it and in the same time he only takes of them his determined part of the profit according to the contract.

The difference between legal transaction and Riba-based one has become evident. May Allah grant us success! Peace be upon our Prophet Muhammad and upon his family and companions.

General Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance
`Abdul `Aziz ibn `Abdullah ibn Baz

Ruling on selling a pile of food, each Sa` (1 Sa` = 2.172 kg) for one riyal and adding a sum of money to the total price

Q: A pile of food may be sold, one riyal per Sa` and after that they add ten riyals on the overall price, for example, while the exact quantity of the stack is not known. Is this considered Majhul sale (sale of the unknown) and if people practice this kind of sale, should they be forbidden from that or not?

A: This kind of sale is valid and it is not included in the prohibited Majhul sale for the sold object is observed and the price is given on this basis. It is reported (that `Aly (may Allah be pleased with him) hired himself to a woman on a basis that he takes a date for every bucket he fills with water from a well. He filled sixteen buckets and she gave him sixteen dates. `Aly came to the Prophet (peace be upon him) and told him about that and the Prophet ate from them.) This Hadith is related by Ahmad and Al-Shawkany said in his book entitled "Nayl

Al-Awtar" concerning this Hadith, Al-Hafiz i.e. Ibn Hajar, classed its Isnad (chain of transmitters) as good. Ibn Majah also narrated it with an Isnad authenticated by Ibn Al-Sakan." End of quote. Permitting the sale of a pile of food outright as one Dirham per Qafiz (a measure that equals approximately 2.172 kg) is the opinion of Ahmad, Malik, Al-Shaf`y, Abu Yusuf and Muhammad the two companions of Abu Hanifah, may Allah be merciful with them all!

Moreover, the original rule for transactions is permissibility and nothing of it is invalidated except with evidence. This kind of sale includes no Gharar (uncertain sale) or anything that requires nullification of it. Thereupon, it is regarded as valid. May Allah grant us success!

Ruling on discount cards

Q41: A practice has been spreading in some shops and local hospitals; they issue a discount card that is given to those who wish to subscribe, in return for paying an annual sum of money. Those who have these cards can have some free checkups throughout the year and discounts on some laboratory examinations. My question is: Is it permissible to issue these cards or use them? May Allah reward you with the best!

(Part No. 19; Page No. 58)

A: This is not a permissible act, as it entails a great deal of Jahalah (lack of knowledge), gambling, and Gharar (fraud); so it is obligatory that this should be avoided. With Allah is the success!

Ruling on selling and buying embodied toys

Q 42: There are toys in the shape of girls, children and animals in markets. They are made for children to play with. What is the ruling on selling and purchasing these toys? What about bringing them into the house? Please advise, may Allah reward you best!

A: It is safer not to buy them or bring them into the house even if they are dolls because of the general meaning of the texts of Hadith, which indicate the prohibition of having pictures of beings with souls in houses. May Allah grant us success!

Lottery is a kind of forbidden gambling

Q 43: Some charitable foundations organize lotteries to finance their activities in the fields of education, treatment and social services. Are these lotteries lawful or not?

(Part No. 19; Page No. 59)

A: Lotteries are the title of gambling, which is prohibited by the Book of Allah, the Sunnah and Ijma` (consensus) as Allah (Glorified and Exalted be He) says: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿

It is not permissible for Muslims to gamble whether such gained money is spent on charitable ways or not, because gambling is prohibited by the general proofs of prohibition. The money gained though gambling is ill gotten money, which must be avoided and warned against. May Allah grant us success!

Ruling on currency trading

Q 44: Is it permissible for a Muslim to buy dollars or other currencies at a low price and wait until the price soars to sell them?

A: There is no harm if he buys dollars or other currencies to keep them until the price soars and sell them.

(Part No. 19; Page No. 60)

Yet, he has to meet the condition that exchange must be at once from hand to hand to avoid Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). He may buy dollars for Saudi Riyals or Dinars or for Iraqi Dinars provided the payment is made on the spot. The currencies should be traded at once as is the case with selling gold for silver at once from hand to hand. Allah is the One Whose help is sought.

Ruling on dealing with non-Muslims in Sale and Purchase

Q 45: Muslims who live in non-Muslim countries such as USA, Britain and elsewhere deal with the non-Muslims and I do not know the ruling on this, could you kindly advise?

A: The Prophet (peace be upon him) died while his arm-shield was mortgaged with a Jew. What is prohibited is to take them as friends. There is no harm in selling and purchasing. The Prophet (peace be upon him) purchased sheep from a pagan and distributed them among his Sahabah (Companions). The prohibition lies in taking them as friends, loving them and helping them against Muslims. As for other kinds of dealings as selling, buying, mortgaging and the like, there is no harm. The Prophet (peace be upon him) ate from the food of the Jews because it is permissible to eat from their food. Allah (Glorified be He) says: ﴾The food (slaughtered cattle, eatable animals) of the people of the Scripture (Jews and Christians) is lawful to you and yours is lawful to them.﴿

Ruling on selling unidentified articles

Q: I would like to inform your Eminence about some articles sold in some markets which consist of a small box sold for one Riyal and contains an unknown object whose value may be more or less than one Riyal. What is the ruling on purchasing such boxes bearing in mind that one does not know what is inside them? Is this sale valid or not? May Allah protect you!

A: It is not permissible to buy this box as doing so is regarded as Gharar sale (uncertain sale). (The Prophet (peace be upon him) forbade Gharar sale.)

Ruling on the disposal of the purchaser

in the real estate before evacuation

Q 47: I bought a piece of land. The seller gave me a bill of sale but the title has not been issued yet. Is it permissible for me to sell this piece of land or is this tantamount to

(Part No. 19; Page No. 62)

selling what I do not own? May Allah reward you with the best!

A: Since sale has already taken place, it is permissible for you to dispose of this piece of land even though the title has not been issued yet. May Allah grant us success!

Ruling on receiving a down payment

Q 48: I sold my car after agreeing with the purchaser on the price. However, the purchaser gave me six hundred riyals and we made terms that I would keep the car until I received the rest of the value of the car. About one month later, the purchaser desired to cancel the sale. They asked me to give them back the money that they had paid but I refused. Is it their right to claim such money? What should I do now?

A: It is better and greatly rewarded that you respond to the request of this purchaser and give him back his money. The Prophet (peace be upon him) said in this regard: ﴾ Whoever rescinds a sale with a Muslim (upon the desire of the latter), Allah will cancel their slip, on the Day of Resurrection. ﴿

(Part No. 19; Page No. 63)

Anyway, it is not Wajib (obligatory) on you to do so as long as the sale has already met its Shar`y (Islamic legal) conditions. May Allah grant us success!

Q 49: What is the ruling on receiving a down payment by the seller if the sale is not executed? It may be worth mentioning that this happens when the purchaser and the seller agree on the price and the latter receives a down payment, while the two parties come to terms that the rest of the value is to be paid when the transaction is accomplished or otherwise the down payment will not be given back to the purchaser.

A: According to the most proper of the two opinions of scholars, it is permissible for the seller to receive down payment. This applies only as long as the sale is not executed subject to the agreement between the seller and the purchaser.

Ruling on selling goods after sale is complete before moving them from their places

Q 50: What is the ruling on sale of commodities while they are in their very places bearing in mind that this practice is common amongst some people nowadays?

(Part No. 19; Page No. 64)

A: It is impermissible for a Muslim to sell commodities either for cash or for a delayed price before holding them, for the Prophet (peace be upon him) said to Hakim ibn Hizam: (Do not sell what you do not possess.) Moreover, the Prophet (peace be upon him) said in a Hadith narrated by `Abdullah ibn `Amr ibn Al-`As (may Allah be pleased with them both): (It is impermissible to gather loan and sale together [in one contract to escape tacit interest i.e. usury] or to sell what you do not possess.) (Related by the Five Compilers of Hadith (Imams Ahmad, Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah) with a Sahih (authentic) Sanad [chain of narrators]). The foregoing two Hadiths thus signify that it is impermissible for whoever buys something to sell it before its receipt.

In addition, it is related by Imam Ahmad, Abu Dawud and is declared Sahih by Ibn Hibban, and Al-Hakim on the authority of Zayd ibn Thabit (may Allah be pleased with him) who said: (The Messenger of Allah (peace be upon him) forbade to resell goods where they are bought until the tradesmen take them to their houses.)

(Part No. 19; Page No. 65)

Besides, it is related by Al-Bukhari in his Sahih Book of Hadiths on the authority of Ibn `Umar (may Allah be pleased with them both) who said: (I saw people during the lifetime of the Messenger of Allah (peace be upon him) buying foodstuff in lump (without weighing or measuring it) and they were hit if they sold it at the very place where they had bought it, until they carried it first to their dwellings.) There are many other Hadiths to the same effect.

Ruling on an employee selling their own commodity to the foundation for which they work while it is not aware of it

Q 51: A person works for a foundation and receives a definite salary. In addition to this, the same person buys commodities out of their own money like those the foundation in question trades in and puts them under the disposal of such foundation. The foundation thus sells the commodities and gives the employee their value. It is worth mentioning that the owner of the foundation is aware of all that.

A person from outside the foundation then offered to buy a commodity by partnership with the concerned employee. They firstly agreed

(Part No. 19; Page No. 66)

that the employee would put such a commodity under the disposal of the foundation but they then decided, after studying the matter, to give it to the foundation by absolute sale. Of course, this would result in better profit. They agreed that the outside person should offer the commodity to the director of the foundation without telling him that the employee in question is their partner. The director agreed to buy the commodity, the concerned employee and their partner received its value, bought the commodity, delivered it to the foundation, and divided the profit amongst them.

My question is: What is the ruling on what the concerned employee did?

Is this considered treason?

Did the employee have to tell the director before completing the transaction as there was a difference between the value for which the commodity was bought and that for which it was sold to the foundation? Since the difference in the value referred to above resulted in a profit that the employee and the other person shared, does the employee have to repay the sum of the profit that they received?

It is worth mentioning that it is

(Part No. 19; Page No. 67)

difficult for the concerned employee to ask the director to forgive and pardon him.

A: It seems that the employee and their partner sold the commodity to the director of the foundation before they bought it which is impermissible as they sold what they did not own whereas the Prophet (peace be upon him) said in a Sahih (authentic) Hadith: (It is impermissible to borrow something to sell it or to sell what you do not possess.)

According to another Sahih Hadith, the Prophet (peace be upon him) said to Hakim ibn Hizam (may Allah be pleased with him): (Do not sell what you do not possess.) However, if the employee and the other person had bought the commodity, received it, then the partner who does not work in the concerned foundation sold it to its director; I do not know any reason to declare this impermissible.

The same applies if the director of the foundation did not know about the partnership between the employee and the other person for this would not lead to anything that invalidates the sale. May Allah grant us success!

Ruling on a promise of purchase

Q 52: What is the ruling on the so called "Promise of purchase"? Is it considered Riba (usury)?

A: Promise of purchase is not tantamount to purchase; it is just a promise. It is thus permissible for a person to ask another to buy something (from a third party) and promise them to buy the same from them. Only one condition has to be met to the effect that the first purchase has to be completed and the commodity has to be received before selling it again. Proof for this is a Sahih (authentic) Hadith that is narrated on the authority of Hakim ibn Hizam (may Allah be pleased with him) who said: O Messenger of Allah! If a man asks me to sell him a commodity that is not in my possession; will it be permissible for me to sell it to him before I buy it? The Prophet (peace be upon him) replied: ﴾Do not sell what you do not possess.﴿ This Hadith thus signifies that it is permissible to sell such a commodity after buying and possessing it.

The same is explained by the Prophet (peace be upon him) in a

Sahih Hadith that is narrated on the authority of `Abdullah ibn `Amr ibn Al-`As (may Allah be pleased with them both): ﴾It is impermissible to gather loan and sale together [in one contract to escape tacit interest i.e. usury] or to sell what you do not possess.﴿ It is also authentically reported on the authority of Zayd ibn Thabit (may Allah be pleased with him) that he said: ﴾The Messenger of Allah (peace be upon him) forbade to resell goods where they were bought until the tradesmen take them to their houses.﴿

The Hadith mentioned above makes it clear that a person is allowed to buy and possess any commodity be it, for example, a car, seeds, clothes, vessels, etc. provided that the seller has previously completed the procedures of the purchase of the same commodity and possessed it. However, the second purchaser is not allowed to sell the same commodity before they move it to a place other than that of the sellers such as their house or the market. Then, they are to sell it whenever they like. This is also supported by a Hadith that is related by Al-Bukhari in his Sahih Book of Hadith on the authority of Ibn `Umar (may Allah be pleased with him) that he said: ﴾During the lifetime of the Messenger of Allah (peace be upon him), we used to be beaten for selling food in its place (the place where it was bought) until we transferred it to our dwellings.﴿ Another wording for the same Hadith is: ﴾... until we shifted it from the upper market to its rear and vice versa.﴿ May Allah grant us success!

53- Some forms of forbidden commercial competitions

From `Abdul `Aziz ibn `Abdullah ibn Baz to our respected brother Muhammad.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Regarding your letter dated 02/12/1407 A.H. that states the following: Attached is a copy of an announcement. We would like to know the religious ruling regarding that. The announcement is as follows:

(Al-'Uways Commercial Compound)

	Number of prizes	Value of prizes	Total
First prize	12	13000	156000
Second prize	24	7000	168000
Third prize	53	3500	185500
89 prizes	Value of prizes is 509500		

The way to take part in the competition: Every purchaser from the exhibitions of Al-Ghazaly at Al-'Uways Commercial Compound

is given two cards to join this big and unique lot. In addition, every purchaser from any other Al-Ghazaly exhibition in the Kingdom of Saudi Arabia is given one card to join the same lot on the same prizes. This is an unrivaled chance. This offer is valid for three months and then the lot will be done in front of Al-Ghazaly exhibitions in Al-'Uways markets. Winners' names will also be announced in the newspapers.

A: May Allah grant us success. The competition which is mentioned in the question is a sort of the Haram (prohibited) gambling that is referred to in Allah's (Exalted be He) saying: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿ May Allah guide us all to that which pleases Him. As-salamu `alaykum warahmatullah wabarakatuh.

General Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance

(Part No. 19; Page No. 72)

Ruling on selling gold articles

to men

Q 54: Is it permissible to sell watches containing gold to men? Besides, what is the ruling on selling rings and pens that contain gold? What is the ruling on the profit that has already been earned through such transactions?

A: It is permissible to sell gold watches and rings to both men and women. However, it is not permissible for men to wear gold rings or watches, those plated with gold, or silver watches for these are only to be worn by women. In addition, silver rings are permissible for both men and women while gold and silver pens are not permissible to be used either by men or women. This is because gold and silver pens are not ornaments. Rather, using them is similar to using gold and silver vessels which is Haram (prohibited) for both men and women as the Prophet (peace be upon him) said: ﴿Do not drink in silver or gold vessels, and do not eat in plates of such metals, for such things are for them (disbelievers) in this worldly life and for you in the Hereafter.﴾ (Agreed upon by Imams Al-Bukhari and Muslim)

(Part No. 19; Page No. 73)

Besides, the Prophet (peace be upon him) said: ﴿Whoever drinks in gold and silver vessels is only filling their abdomen with Fire.﴾ (Related by Imam Muslim in his Sahih (authentic) Book of Hadith)

The same ruling applies to spoons, tea or coffee cups, etc.

I ask Allah to guide all Muslims to what pleases Him and to save them from the causes of His Wrath. May Allah grant us success!

Ruling on trading in gold

Q 55: I sell and buy golden Saudi pounds and ingots. When the price of gold goes down, I buy the golden pound, for instance, for three hundred riyals and then the price goes up and I sell the same for four hundred and eighty riyals. Is this permissible? It is worth mentioning that the exchange takes place simultaneously; I pay the money and receive the golden pounds (before selling them)

(Part No. 19; Page No. 74)

and vice versa at once.

A: It is permissible for you to make the transaction that is mentioned in the question as long as the exchange is made from hand to hand. It is narrated on the authority of `Ubadah ibn Al-Samit (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made at once from hand to hand. If these classes differ, then sell as you wish if payment is made on the spot from hand to hand.﴿ (Related by Imam Muslim in his Sahih (authentic) Book of Hadith).

Ruling on trading in videocassettes

Q: What is the ruling on trading in videos that contain scenes that show unveiled women and love stories? Are the profits of this trade regarded as ill-gotten money? What should a trader of these articles do? How should he get rid of these videos and other devices used for this purpose? May Allah reward you the best!

(Part No. 19; Page No. 75)

A: It is not allowable to sell, have, or watch these videos for they call to seduction and corruption. They should be destroyed and whoever engages in these acts should be blamed in order to remove corruption and protect Muslims against the causes of temptation. May Allah grant us success!

Ruling on issuing,

working for, and buying obscene magazines

Q 57: What is the ruling on distributing magazines that publish unveiled women in a seducing way and is interested in revealing information about actors and actresses? What is the ruling on anyone who works for, buys or helps in distributing such a magazine?

A: It is not permissible to issue magazines, which publish pictures of women or anything that leads to Zina (premarital sexual intercourse and/or adultery), obscene acts, sodomy, drinking intoxicants or such like of that which invites to Batil (null and void) and helps lead to it. It is also not permissible to work for such magazines neither by writing nor

(Part No. 19; Page No. 76)

promotion; for this includes cooperation in sin and transgression. In addition to the spreading of mischief on earth and prompting the corruption of the society and the diffusion of vice. Allah (Glorified and Exalted be He) says in His Clear Book: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ The Prophet (peace be upon him) also says: ﴾Anyone who calls others to follow guidance, will have a reward that is equal to that of those who shall follow him/her (in righteousness) without having their reward diminished in any respect, and anyone who invites others to follow error, will bear a sin which is tantamount to that of those who shall follow him/her (in wrong) without having their sins diminished in any respect.﴿ Related by Muslim in his Sahih (authentic) book of Hadith.

The Prophet (peace be upon him) also said: ﴾There are two types of the denizens of Nar (Hellfire) whom I have not seen yet: men having whips like the tails of cows with which they strike people, and women who are clothed yet naked, inclined and are inclining; their heads are like the humps of the long-necked camels tilted to one side. They will not enter Jannah (Paradise) or even smell its fragrance, although its fragrance can be perceived at a distance of such and such a distance.﴿ Related by Muslim in his Sahih.

(Part No. 19; Page No. 77)

The Ayahs (Qur'anic verse) and Hadiths stressing this meaning are numerous. May Allah guide Muslims to do whatever sets them aright and saves them! May He guide those who are in charge of the media and press to do whatever maintains and keeps society intact. I also ask Him to protect them from the evil within themselves and the plots of Satan. He is Most Gracious and Most Generous

Ruling on running a photography studio

Q 58: I am an Indian Muslim and work in the Kingdom of Saudi Arabia. I plan, when I return home, to run a photography studio to be a means of living for me and my family. It should be noted that I photocopy documents beside the photography. Is this business Halal (lawful) or not?

A: Taswir (painting, drawing, sculpture, and photography) of animated objects is prohibited as the Prophet (peace be upon him) said, ﴾Musawwirs (those who make pictures and statues, or photographs of living beings) will be the most severely punished on the Day of Resurrection.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) Furthermore, he (peace be upon him) ﴾cursed the devourer of usury (usurer)

(Part No. 19; Page No. 78)

and its clerk, and Musawwir.﴿ (Related by Al-Bukhari in his Sahih)

You are advised not to run this business and seek a Halal means of living. Allah (may He be Praised) says: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ ﴾And He will provide him from (sources) he never could imagine.﴿ Allah (Glorified and Exalted be He) also says: ﴾and whosoever fears Allâh and keeps his duty to Him, He will make his matter easy for him.﴿ May Allah grant you success!

Ruling on selling dissolute magazines and newspapers

Q 59: We have a bookstore for selling school articles and stationery along with magazines. The point is that some of the magazines include images of women either on the cover of the magazine or on the pages inside with the aim of drawing the attention of people to purchase them. Some people criticized us for that and said that it is not permissible to sell these things. We hope that our honorable Shaykh, may Allah safeguard him, will illustrate for us what is right in this regard. May Allah reward you the best!

(Part No. 19; Page No. 79)

A: It is not allowable for you or anyone else to sell magazines that contain pictures of women or essays that oppose the sanctified Shari`ah (Islamic Law), for Allah (Glorified be He) said, (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.)

Ruling on buying, selling,

or promoting publications that mock

Islam, speak ill of the Du'ah, and spread corruption

Q60: many newspapers and magazines mock Islam; insult the Du'ah (callers to Islam); flatter the Kafirs (disbelievers), the wicked, and the artists; and publish photos of unveiled women. What is the ruling on buying these publications or selling, or promoting them?

A: It is obligatory that such newspapers which publish immodest photos, slander the Du'ah, discourage Da'wah (calling to Islam), disseminate atheistic articles, and the like, should be boycotted and not bought.

(Part No. 19; Page No. 80)

It is obligatory on the state, if it is Islamic, to prohibit them, as they are harmful to the society and Muslims. It is obligatory that Muslims should not buy or promote them, and exhort others to avoid them and not to obtain or buy them. The officials, who can ban them should do so or direct them to goodness, to repel the evil and remain steadfast on goodness.

Ruling on selling tapes of pornographic films

Q: A man repented to Allah but still has video, tapes, and erotic films; is he allowed to sell them? If not, what shall he do with them? Should he record sermons and useful programs and scenes on them?

A: Yes, he is allowed to record on them what is useful and remove its malicious contents. But he is not allowed to sell them while they contain these malicious things, as that would be considered cooperation in doing sin and transgression.

Ruling on selling photographic equipment

Q 62: A man had a studio in which there was photographic equipment. He came to know that Taswir (painting, drawing, sculpture, and photography) is Haram (prohibited). How can he dispose of them in a way that makes him avoid loss? If he sells them to a Muslim, would it not be a form of helping to spread disobedience? What is the ruling on gaining money in this way? Can he spend this money on himself and on his family?

A: A: This issue has details, since studios photograph that which is allowed and that which is prohibited. Things that have no spirit such as cars, planes, mountains, etc. are not prohibited to be photographed or sold, as people need them but making Taswir of beings with souls such as humans, animals or birds is not allowed unless necessary for people such as identity cards, passports and certificates that can not be issued without photos. Similarly, taking photos of criminals for recognition and caution from

their harm and the like when necessity arises. Allah (Glorified and Exalted be He) says in His Glorious Book: ﴾while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴿

To sum up, Taswir should not be used except in lawful matters. If it is sold to people, there is nothing wrong with that as it is used for good and evil purposes. That is similar to the case when a man sells swords, knives, and the like that can be used for evil and good purposes; the one who uses them for evil purposes would be the only one who bears sins. So, anyone who knows that those who buy knives and swords would use them for evil purposes is forbidden to sell these instruments for them.

Ruling on smoking, selling, and trading in tobacco

Q63: What is the ruling on smoking? Is it Haram (prohibited) or Makruh (reprehensible)? What is the ruling on selling and trading in tobacco?

A: Smoking is Haram, as it is noxious and involves much harm. Allah (Glorified and Exalted be He) made good food and drinks Mubah (permissible) for His Servants, and made noxious things Haram (prohibited) for them.

(Part No. 19; Page No. 83)

Allah (Glorified and Exalted be He) says: (They ask you (O Muhammad صلى الله عليه وسلم) what is lawful for them (as food). Say: "Lawful unto you are At-Tayyibât [all kind of Halâl (lawful-good) foods which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)].) In describing His Prophet Muhammad (peace be upon him) in Surah Al-A'raf, Allah (Glorified be He) says: (he commands them for Al-Ma'rûf (i.e. Islâmic Monotheism and all that Islâm has ordained); and forbids them from Al-Munkar (i.e. disbelief, polytheism of all kinds, and all that Islâm has forbidden); he allows them as lawful At-Tayyibât (i.e. all good and lawful as regards things, deeds, beliefs, persons, foods), and prohibits them as unlawful Al-Khabâ'ith (i.e. all evil and unlawful as regards things, deeds, beliefs, persons and foods)) All types of tobacco are not good, lawful things; in fact they are noxious, unlawful things, as are intoxicants. It is not permissible to smoke, sell, or trade in tobacco due to its serious harms and dangerous consequences.

It is obligatory upon anyone who smokes or trades in tobacco to hasten to perform Tawbah (repentance to Allah), return to Allah (Glorified and Exalted be He), regret their past sins, and determine never to do it again. If anyone performs Tawbah sincerely, Allah will accept their Tawbah, as He (Glorified and Exalted be He) says: (And all of you beg Allâh to forgive you all, O believers, that you may be successful) He (Glorified be He) also says: (And verily, I am indeed forgiving to him who repents, believes (in My Oneness, and associates none in worship with Me) and does righteous good deeds, and then remains constant in doing them, (till his death).) The Prophet (peace be upon him) said, ("When a Servant admits their sin and makes Tawbah, Allah shall accept their Tawbah.") He (peace be upon him) also said, ("The one who repents from sin

(Part No. 19; Page No. 84)

is like one who has not sinned.")

We ask Allah to set aright the conditions of the Muslims and protect them against doing anything violating His Shar' (Law)! He is the All-Hearer, the Responsive to prayer.

(Part No. 19; Page No. 85)

Q 64:

Avoiding gambling, intoxicants, and Gharar sale

Praise be to Allah. May peace and blessings be upon His Messenger, his family, and his Companions!

Good foodstuff, drinks and transactions are made Divinely lawful to people due to their need for them and their great usefulness and freedom from harm. Allah also (Glorified and Exalted be He) prohibited all evil foodstuff, drinks, and transactions due to their grave harm and uselessness or due to the overweighed benefit contained when compared to the overwhelming harm contained. In Surah Al-Ma'idah, Allah (Exalted be He) says, ﴾They ask you (O Muhammad صلى الله عليه وسلم) what is lawful for them (as food). Say: "Lawful unto you are At-Tayyibât [all kind of Halâl (lawful-good) foods which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)].﴿ Allah (Exalted be He) also says: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿ ﴾And obey Allâh and the Messenger (Muhammad صلى الله عليه وسلم), and beware (of even coming near to drinking or gambling or Al-Ansâb, or Al-Azlâm, etc.) and fear Allâh. Then if you turn away, you should know that it is Our Messenger's duty to convey (the Message) in the clearest way.﴿

(Part No. 19; Page No. 86)

Allah (Exalted be He) described our Prophet Muhammad ibn `Abdullah in Surah Al-A`raf saying, ﴾Those who follow the Messenger, the Prophet who can neither read nor write (i.e. Muhammad صلى

صلى الله عليه وسلم) whom they find written with them in the Taurât (Torah) (Deut, xviii 15) and the Injeel (Gospel) (John xiv, 16), - he commands them for Al-Ma'rûf (i.e. Islâmic Monotheism and all that Islâm has ordained); and forbids them from Al-Munkar (i.e. disbelief, polytheism of all kinds, and all that Islâm has forbidden); he allows them as lawful At-Tayyibât (i.e. all good and lawful as regards things, deeds, beliefs, persons, foods), and prohibits them as unlawful Al-Khabâ'ith (i.e. all evil and unlawful as regards things, deeds, beliefs, persons and foods), he releases them from their heavy burdens (of Allâh's Covenant with the children of Israel), and from the fetters (bindings) that were upon them. So those who believe in him (Muhammad صلى الله عليه وسلم), honour him, help him, and follow the light (the Qur'ân) which has been sent down with him, it is they who will be successful.﴿

Allah (Glorified be He) has explained that He permits the good things and forbids evil things. He (Glorified be He) clarifies that Khamr (intoxicant) is one of the evil things because of its harmful effects such as befogging the mind, ensuing enmity and hatred, and neglecting the religious obligations of Dhikr (Remembrance of Allah) and offering Salah (Prayer). Khamr is regarded as the source of all evil and a means to committing sins. It is one of the most abominable major sins. Allah has promised those who drink Khamr and do not repent before their death, to give them Tinat Al-Khabal, which is the discharge of the people of Hell-fire, to drink. We seek refuge with Allah. Gambling is one of the evil things due to its bad consequences such as the loss of wealth, acquiring money unjustly, ensuing hatred and enmity, and neglecting the obligation of Dhikr and Salah.

Today, many people gamble without taking heed of what Allah and His Messenger said regarding its prohibition or its evil and harmful consequences. This is due to greed, covetousness, and their desire to obtain money by any means even if it invokes Allah's wrath and punishment or the loss of wealth and self-destruction in the Hereafter. This is due to their love and greed for wealth and their forgetfulness of the evil consequences of collecting it through prohibited means such as gambling and Gharar sale (uncertain sale) in this worldly life and in the Hereafter. It is authentically reported that the Prophet (peace be upon him) forbade Gharar sale. An example of the transaction that is regarded as gambling and Gharar sale in our present time is what some companies and traders do by including small gifts with some items that are to be sold. This is to extract the wealth of Muslims and encourage them to buy things assigned for having gifts with the natural consequences of expensive prices and sale-rate increase for their interest. Undoubtedly, this kind of transaction is a kind of gambling and Gharar sale as the customer spends his money in return for an uncertain sum of money. This is a kind of gambling and Gharar sale, which Allah and His Messenger warned us against. The same is true with regard to selling cards with numbers to people so they may win prizes if they get the required number, this is another type of gambling that Allah prohibits,

for the risk contained and the ill-gotten gains obtained.

Dear Muslims, you must fear Allah. You have to avoid and warn against such prohibited transactions. Spend your money only in the proper way, which does not contradict Allah's Law. Do not help your enemies, greedy traders, and companies steal your money and incur Allah's anger. The government (may Allah grant it success) should prevent these transactions. It should also not import the commodities, which include prizes as it makes people fall into gambling, leads to the loss of wealth, and destroys the society. May Allah guide the government and Muslims to the means to success and prosperity of the Ummah (nation). May Allah guide us all to that which pleases and draws us close to Him and benefits the Muslims. He is Able to do all things. May peace and blessings of Allah be upon His slave and Messenger Muhammad, his family, and Companions!

Chairman of

the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

(Part No. 19; Page No. 89)

Ruling on lump sale of a shop

Q 65: There are some people in the market who buy whole shops from their owners, in which are many goods, such as clothing for men and women, and different types of Ghutrahs (traditional cotton headdresses worn by men in some Arab countries). Is this form of sale valid or does it include a kind of Jahalah (lack of knowledge)? Please give us a satisfying answer.

Also - and may Allah make your life pleasurable in obedience to Him - representatives from some shops come to us and agree to buy certain commodities. After we have completed the deal, they ask us to give them a formal document - like this one on which we have written - without us writing anything on it. If we refuse to give this to them, they pull out of the deal. Is it permissible for us to give them a blank paper for them to write whatever they want on it so that we do not lose the sale? Please give us a Fatwa (legal opinion issued by a qualified Muslim scholar) and may Allah guide you to good deeds!

A: The answer to the first question is that the type of sale you mentioned is valid, if the buyer knows the goods that are in the shop well, has viewed them, and is knowledgeable about them. However, if, at the time of the sale, they do not know the reality of the goods and buy them in a lump, the sale is not valid, as it entails Gharar (fraud - where details about the sold item are unknown or uncertain).

(Part No. 19; Page No. 90)

It was authentically reported from the Messenger of Allah (peace be upon him) that (He forbade Gharar sales.) It was also authentically reported that he (peace be upon him) (Forbade Mulamasah, Munabadhah, and Hasah sales,) due to the Gharar they involve.

A Mulamash sale is when the seller tells the buyer that any commodity they or a certain person touches will be sold to them for a certain price. A Munadadhah sale is when the seller tells the buyer that any commodity thrown to them will be sold to them for a certain price.

a Hasah sale is when the seller tells the buyer that any place or item that a stone falls on will be sold to them for a certain price, and other such practices. All these practices entail Gharar, as the buyer has not entered into the transaction with clear knowledge of the item being sold. Allah (Glorified be He) is more Merciful to His Servants than they are to themselves, therefore He (Glorified and Exalted be He) forbade them from all the transactions and other matters that may harm them.

66: The second question: Is it permissible to give a blank paper to the person who wants to buy a commodity to write the conditions and the description of the contract, etc.?

A : This is not permissible, because the apparent

state of those people, who request some official papers to write down the price they want, is betrayal and cheating of those who authorize them. Giving them the official papers help them to commit sin and aggression. Allah (He may be Glorified) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ May Allah reconcile the conditions of Muslims, guide them to render trusts and beware of betrayal for He is the Best One to be asked.

Ruling on selling and buying stolen objects

Q 67: If a person steals something and sells it to another person who knows that it is stolen, is there any sin upon the buyer?

A: It is prohibited for anyone to buy a stolen object. They should rather censure whoever does this and advise them to return it to the owner. If that advice is fruitless, a person has to resort to the rulers in this regard.

Q 68: I have been offered a sale, which I discovered to be stolen, but the person who offered it to me is not the thief, rather he bought it

(Part No. 19; Page No. 92)

from another person whom, in turn, had bought it from the thief. If I buy it, though I know all that, will I be sinful? It is noteworthy that I do not know its real owner.

A: What appears to me in light of the Shar`y (Islamically lawful) evidence that it is not permissible for you to buy it if you discover or most likely think that it is stolen, for Allah (Glorified be He) says: ﴾but do not help one another in sin and transgression.﴿ Knowing, for sure, or even thinking that the seller is not its Shar`y owner and is not authorized to sell it; how could you help him oppress and unjustly take another's money? If it is not possible for you to take it by force and punish the oppressor according to the Islamic Shari`ah, then you may buy it to save it and give it back to the legal owner, this is acceptable. This is the obligation deduced from the known evidence of the Hadith: ﴾"Help your brother whether he is an oppressor or is oppressed..."﴿

(Part No. 19; Page No. 93)

Issue of Tawarruq

Ruling on seizing a sold good and bringing it out of the seller's shop and then reselling it again to the first seller

Q 69: I am a man who runs a credit sales business. For example; if a person asks for an order of coffee, cardamom or rice for a sum, say of fifty thousands Riyals. If I do not have that amount, I go to a wholesaler who offers these goods and buy the required quantity, which rates in cash around a hundred Riyals or more or less per pouch. After charging the wholesaler, I bring the goods out of his shop to the street. Then, I sell it to the claimer of the order on credit for a year where the price of a pouch might reach a hundred and fifty, probably more or less according to our agreement. Afterwards, the person who has bought them from me on credit goes and sells them again to the wholesaler from whom I have bought them.

(Part No. 19; Page No. 94)

Is this transaction Haram (prohibited) or Halal (lawful)? Please, advise me about that, for one of my friends told me it is not permissible, so I stopped doing it. May Allah reward you with the best.

A: This transaction is permissible, since you have taken the sale and brought it outside the seller's shop. There is also no blame on the buyer to sell it to the first wholesaler whom you have bought the goods from, as long as he has received them and transferred them from his shop to another shop or house in the market provided that there should be no kind of collusion between you and the first seller; for the Prophet (peace be upon him) said: ("Do not sell what you do not possess") The Prophet (may Allah's Peace and Blessings be upon him) also says: (It is impermissible to gather loan and sale together [in one contract, that is to escape tacit interest i.e. usury] or to sell what you do not possess.) It is also authentically reported that the Prophet (peace be upon him): (forbade to resell goods

(Part No. 19; Page No. 95)

where they were bought until the tradesmen take them to their houses.)

The ruling of increasing the commodity price in return for a fixed term

Q 70: A person borrowed 10.000 riyals from another person provided that he will repay them as 12.000. The transaction is as follows: The owner bought a commodity for 10.000 riyals and sold it on credit for 12 000 to be paid within one year of the contract. The second person sold it to the shopkeeper for 9800 riyals. It should be clear that the creditor got the commodity first and then held an agreement with the debtor to pay the mentioned price. Is this transaction between the creditor and the debtor valid? Is the transaction between the debtor and the shopkeeper valid? Is this transaction called Tawarruq sale (selling by installments, then the purchaser selling the product to a third party for cash) or is it a kind of usury? May Allah protect you and us against its evil. Could you kindly advise? May Allah reward you the best!

(Part No. 19; Page No. 96)

A: This issue is called Tawarruq; according to the people of knowledge, it is the case when a person sells a commodity to another after full possession for a fixed price and a fixed term and then the buyer receives it and acts as he wants in that.

In most of cases, the buyer does so for his need of money. This kind of sale is permissible according to the soundest opinion of scholars, because Allah (Exalted be He) says: (whereas Allâh has permitted trading and forbidden Ribâ (usury).) Allah (Glorified be He) also says: (O you who believe! When you contract a debt for a fixed period, write it down.)

A creditor has no right to sell a commodity, before having it, to a person who wants to buy the commodity; this will be invalid because the Prophet (may Allah's Peace and Blessings be upon him) says, (It is impermissible to gather loan and sale together [in one contract. That is to escape usurious interest] or to sell what you do not possess.) The Prophet (may Allah's Peace and Blessings be upon him) also said to Hakim ibn Hizam: (Do not

(Part No. 19; Page No. 97)

sell what you do not possess.) Sale is only permissible in this case i.e. Tawarruq, provided that the money should be present in the possession of the purchaser. It is not permissible for a purchaser to sell it while it is still in the possession of the creditor until he takes it into his possession first or takes it out from the market. He does not have the right to sell it to the creditor with a less price than that with which he purchased, because it is a kind of Riba (usury). As for selling the commodity to creditors with a less price, it is invalid and this selling is called `Inah sale (sale with immediate cash repurchase for profit), which is a kind of Riba. May Allah grant us success!

Q 71: If people ask a trader to sell them goods for more than their current market price for fixed-term deferred payment, what is the ruling on this?

A: This is permissible according to most of the scholars, as Allah (Glorified be He) says: ﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ Allah does not make it conditional that the debt has to be at the current market price.

(Part No. 19; Page No. 98)

When the Prophet (peace be upon him) went to Madinah and saw that the people there used to sell fruit a year or two in advance, he (peace be upon him) said, ﴾"Anyone who pays in advance for later delivery should make such payment based on known (specified) measure and known weight for a known term."﴿ (Agreed upon as Sahih [authentic] by Imams Al-Bukhari and Muslim) He (peace be upon him) did not make it conditional on being at its current price. It was related by Al-Hakim and Al-Baihaqy with a good Isnad (chain of narration), on the authority of 'Abdullah ibn 'Amr ibn Al-'As (may Allah be pleased with them both) that ﴾"The Prophet (peace be upon him) commanded him to equip an army but the camels run out, so he (peace be upon him) commanded him to take from the young

camels given as Sadaqah (charity). He ('Abdullah) said, 'So I took (bought) the one camel in return for two camels (to give the deferred ones later) until when the camels of Sadaqah would come.'")

There is a lot of evidence with the same meaning. No credit business can be established unless it is run in this way, because a seller cannot usually sell commodities on credit at the current price, as they will sustain many losses. Sellers gain their benefit from the profit and buyers benefit from the respite and facilitation, as not everyone can buy all their requirements for the asking price. If it was forbidden to increase the price on credit sales, it would result in much harm to society, whereas the comprehensive Shari'ah (Islamic law) has come to achieve perfect public benefit and limit harm.

(Part No. 19; Page No. 99)

I do not know of any disagreement on this issue; in fact it is known from what the scholars say that this is permissible. This applies when the buying is being done for necessities that will be used and people will benefit from it. However, if someone buys a commodity on credit to sell it for cash, due to a need for cash to repay a debt, build a house, get married, etc., the scholars differ as to whether this type of transaction is permissible. The Fuqaha' (Muslim jurists), call this a Tawarruq sale (selling by installments, then the purchaser selling the product to a third party for cash), while some laypeople call it Wa'dah (a promise). The preponderant opinion is that this transaction is permissible, and this is our opinion, based on the general meaning of the previously mentioned evidence. The basic rule in transactions is of lawfulness and permissibility, unless specifically prohibited by evidence. Also necessity often calls for that. A person who is in need does not usually find someone to help them with a donation or a loan, so they badly need this type of transaction to repay their debts and so on.

However, if a Muslim can avoid this and be economical in their needs until Allah resolves the situation His Way, this will be better and preferred.

We should also draw attention to the fact that a seller may not sell commodities that they do not have or put them on the market, until they move them to their own premises or to the market, according to what is authentically established in the Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish) on the authority of Ibn 'Umar (may Allah be pleased with them both), who said, (We used to buy food in a lump,

(Part No. 19; Page No. 100)

in the time of the Prophet (peace be upon him), so he sent someone to us to tell us not to sell it until we had moved it to our premises.) (Related by Al-Bukhari)

It was also reported on the authority of Zayd ibn Thabit (may Allah be pleased with him), who said, (The Messenger of Allah (peace be upon him) forbade reselling commodities where they are bought until the traders moved them to their premises.) (Related by Ahmad and Abu Dawud, and ranked as Sahih by Ibn Hibban and Al-Hakim) (It was also reported on the authority of Hakim ibn Hizam (may Allah be pleased with him), who said, "I said, 'O Messenger of Allah! A man might come to me wanting a commodity that I do not have; should I buy it for him from the marketplace then sell it to him?' He (peace be upon him) said, 'Do not sell what you do not have.'") (Related by Ahmad, Al-Tirmidhy, Al-Nasa'y, and Ibn Majah, with a Sahih Isnad)

Q 72: I sell commodities on credit at a higher price than the cash price. Is this act regarded as Riba (usury/interest) or not?

A: No, it is not regarded as Riba. An immediate sale differs from an installment sale. As far as we know, the scholars unanimously agree on the permissibility of selling a commodity to a fixed time at a higher price than the immediate price as long as the purchaser buys the commodity out of his need for it, not to re-sell to the seller in cash or to someone else. Examples of such transactions include buying a car or other vehicles for personal use, buying foodstuff for consuming, and buying clothes to wear. In support of this rule, Allah (may He be Praised) says: ﴿O you who believe! When you contract a debt for a fixed period, write it down.﴾ Allah did not state a fixed price. Another proof is Salam sale (sale with advance payment). The Prophet (peace be upon him) came to Madinah and the people used to pay in advance the price of fruits to be delivered within one, two or three years. Thereupon, he stated: ﴿Whoever pays money in advance, should pay it for a known, specified weight and measure with a fixed date.﴾ He (peace be upon him) did not refer to

the current price. In this kind of sale, the owner gains profits in the future while the other party benefits from the cash money immediately. Had the Salam sale required the owner to be repaid according to the current price, no one would have resorted to it and the public interest would have been hindered. Another evidence is the report narrated by `Abdullah ibn `Umar that (The Messenger of Allah (peace be upon him) commanded him to equip an army but the camels were insufficient. So, the Prophet (peace be upon him) commanded him to take a camel to be replaced by two when the camels of Sadaqah (charity) came.) The Shari`ah has defined the categories of transactions and cases which involve Riba. So, it is not permissible to regard any transaction outside these categories as Riba except when there is a specific text. Selling commodities such as cars and vehicles, clothes, foodstuff or pots on credit to a fixed time at a higher price than the current price is not included in the Riba-based transactions according to our knowledge from the purified Shari`ah and the statements of the scholars. However, some of the later generations are confused about this matter. They think that this kind of transaction involves Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment), but it is not. Rather, Riba Al-Nasi'ah means selling a usurious thing for another for deferred payment or against future delivery, even if the profit is zero. For example, selling money for money

and food for food and the likes against future delivery. On the other hand, selling a commodity on credit then buying it at a lesser price in cash comes under the heading of `Inah sale (sale with immediate cash repurchase for profit). It is prohibited according to the most correct opinion of the majority of scholars. For example, a seller sells the commodity to a buyer for one hundred Riyals on a deferred-payment basis and immediately the same seller buys back the same commodity for 80 riyals on a cash basis. This is the basic principle of Riba. If the buyer, who lacks cash, buys it to sell to another person on a cash basis, the transaction is regarded as Tawarruq sale (selling by installments, then the purchaser selling the product to a third party for cash). The rightly-guided Caliph `Umar ibn `Abdul-`Aziz (may Allah be merciful with him) and some of scholars such as Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him) deemed it forbidden, while most of the scholars deemed it lawful. This sale comes under the heading of loans, which are made lawful by Allah and does not lead to Riba. In this sale, the buyer does not resell the commodity to the seller, but to a third party without working in collusion with each other. Yet, if the three parties involved in this transaction work in collusion, it is deemed prohibited as is the case with `Inah sale. Furthermore, a needy person may have to resort to this kind of transaction, because of his poverty or lack of creditors or charity givers. According the preponderant view, it is lawful when there is a pressing necessity for it. When the person can do without it, he is recommended to avoid it to escape scholars' disagreement over this issue to be on the safe side and relieve one's self from any obligation which may be difficult to fulfill.

I find it is imperative to explain these important issues that are frequently discussed by ignorant and knowledgeable people. I ask Allah to guide you and us to do what pleases Him and to help us understand His religion, for He is the One Who is Capable to do so. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) May peace and blessings of Allah be upon His slave and Messenger Muhammad, his family, and Companions.

Q 73: I own a grocery and I sell on credit 'until the end of the month,' so I increase the price of commodities a little in return for delaying the payment. What is the ruling on this?

A: There is nothing wrong in a suitable increase in the price of goods sold on credit for a fixed time period than their current price, according to the general meaning of Allah's Saying: ﴾O you who believe! When you contract a debt for a fixed period, write it down.﴿ There are also many unconditional Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish) on this issue. Common sense requires this, as selling for cash is not like selling on credit, so Allah (Glorified be He) permitted an appropriate increase when selling on credit, so those who are in need, but unable to pay the cash price may buy what they need and delay payment for a fixed time. This is from Allah's Mercy (Glorified be He) and Beneficence to His Servants. With Allah is the success!

Q 74: When cars are sold in installments, their price increases, so, if a car is sold for 15,000 Riyals in cash, it is sold for a higher price than this in installments. Is this sale a form of Riba (usury/interest)?

A: there is nothing wrong in selling by installments, if the period of time and the installments are known (fixed), even if the price by installments is more than the cash price, because the buyer and the seller both benefit from the system of installments. The seller benefits from the increase in price and the buyer benefits from the respite.

It was authentically reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of 'Aishah (may Allah be pleased with her) that "The masters of Barirah (may Allah be pleased with her) agreed to sell her her freedom in installments for nine years, each year paying 40 Dirhams." This shows that selling by installments is permissible, because it involves no Gharar (fraud), Riba, or Jahalah (lack of knowledge), so it is permissible like any other sale, if the sold item is owned by and in the possession of the seller at the time of the sale.

(Part No. 19; Page No. 106)

Ruling on saying, "sell me 10 for 12"

Q 75: If someone wants to borrow money from another person, is it permissible to say, "Sell me 10 for 12"? Is it permissible to agree upon a specific price for a commodity that is not in the seller's possession? What is the meaning of the Hadith reported on the authority of Hakim ibn Hizam, saying, ("Do not sell what you do not have.") **?**

A: If a loan seeker says to the creditor, "Sell me 10 for 12," this means that they want them to sell them a commodity that is worth 10 in cash for 12 on credit. There is nothing wrong in saying this with this meaning, because it is the meaning that matters. Increasing the price of a commodity sold on credit over the cash price is permissible, according to the Jumhur (dominant majority of scholars), and the evidence shows that it is a Halal (lawful) sale. This is also indicated by Allah's Saying: (O you who believe! When you contract a debt for a fixed period, write it down.) This applies whether the price is the same as for cash or more. This is also supported by the Hadith related by

(Part No. 19; Page No. 107)

Al-Hakim and Al-Baihaqy - whose narrators are Thiqat (trustworthy) - on the authority of 'Abdullah ibn 'Amr ibn Al-'As (may Allah be pleased with them both) that ("The Prophet (peace be upon him) commanded him to equip an army but the camels run out, so he (peace be upon him) commanded him to take from the young camels given as Sadaqah (charity). He ('Abdullah) said, 'So I took (bought) the one camel in return for two camels (to give the deferred ones later) until when the camels of Sadaqah would come.'") This was mentioned by Al-Hafizh in "Bulugh Al-Maram", and he was clear on this issue. The great scholar Al-Shawkany (may Allah be merciful with him) wrote a treatise on the permissibility of this and mentioned it in his book "Nayl Al-Awtar".

If the commodity is not owned by the creditor or in their possession, and they are unable to deliver it, they are not entitled to conclude a sale contract with a buyer. They can agree on the price, but the sale transaction itself cannot be concluded until the commodity is in the seller's possession, based on the Hadith narrated by Zayd ibn Thabit (may Allah be pleased with him), who said that (The Messenger of Allah (peace be upon him) forbade reselling commodities where they are bought until the traders moved them to their premises.) (Related by Ahmad and Abu Dawud, and ranked as Sahih [a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish] by Ibn Hibban and Al-Hakim). In "Tahdhib Al-Sunan", Ibn Al-Qayyim explained the Hadith reported on the authority of Hakim ibn Hizam (may Allah be pleased with him) which states,

(Part No. 19; Page No. 108)

("Do not sell what you do not have.") He said, "Selling what they do not have in possession is forbidden, because it is not guaranteed by them; it is not ensured to be under their own liability or in their hand. An item to be sold must be confirmed as being under the liability of the seller or in their

hand, and selling what you do not have does not fulfill either of those. So the Hadith remains general." These are some of his words quoted from "Tahdhib Al-Sunan". You can also refer to the interpretation of the Hadith in "Zad Al-Ma'ad" and "A'lam Al-Muaqqi'in" by Ibn Al-Qayyim.

Ruling on raising

the price of a commodity for some customers

Q 76: I work in a store where my sale prices vary from one person to another according to how much the customers bargain. I may sell an item for one hundred riyals or for one hundred and fifty, depending on the situation and the customer. Is this regarded as deceit?

(Part No. 19; Page No. 109)

A: You should not increase the price of the item to more than its market value. There is nothing wrong with lowering the price and making it less than the market value for some customers; what is forbidden is to increase it and make it higher than the market value for some customers, especially if the purchaser is unaware of market prices or he is inexperienced in sale and bargaining. It is not permissible to take advantage of his ignorance and inexperience to charge him a price higher than the market value.

Standards of increasing

the price for the deferred payment

Q 77: Is there any Shar`y (Islamically lawful) standards for the limit of profit in installment plans ?

A: It is permissible to increase the price when the payment is deferred and there is no Shar`y text specifying the amount of the increase, for it is subject to different considerations such as the long or short term, trade prosperity, and active trade movement known as the supply and demand law. When supply exceeds the demand,

(Part No. 19; Page No. 110)

profits fall; when demand exceeds the supply, profit rate increases. Besides, there are other factors.

Ruling on disposing of goods before owning them

Q 78: What is the ruling on selling a commodity to a customer and after setting the price and being sure of the profit, I bring it from another store? Guide me, may Allah reward you with the best! The questioner introduced his letter by expressing his love of Your Eminence for the Sake of Allah.

A: May Allah love you, for Whose Sake you love us. Loving for the Sake of Allah is one of the best deeds that draw a person close to Allah. The Prophet (peace be upon him) said: ("Seven are (the persons) whom Allah would give protection with His Shade on the Day when there would be no shade but His (i.e. on the Day of Judgment, and they are): a just ruler, a youth who grew up with the worship of Allah; a person whose heart is attached to the mosques; two brothers in Islam who love and meet each other and depart from each other for the sake of Allah; a man whom a beautiful woman of high rank seduces (for illicit relation), but he (rejecting the offer) says: "I fear Allah"; a person who gives charity and conceals it (to such an extent) that the right hand does not know what the left has given and a person who remembered Allah in privacy and his eyes shed tears.") All these categories, including those who love each other for the Sake of Allah are to be given protection with Allah's Shade on the Day of Judgment.

(Part No. 19; Page No. 111)

The Prophet (peace be upon him) said: ("Allah would say on the Day of Resurrection: Where are those who have mutual love for My Glory's sake? Today I shall shelter them in My Shade when there is no other shade but Mine.") May Allah make us and all our Muslim brothers love each other for His Sake. As for selling goods before buying them, this is not permissible, as you are not allowed to sell what you do not own. The Prophet (peace be upon him) said: (It is impermissible to gather loan and sale together [in one contract. That is to escape usurious interest] or to sell what you do not possess.) When he (peace be upon him) was asked by Hakim ibn Hizam (may Allah be pleased with him): O Messenger of Allah, a man comes to me and wants me to sell him something which is not in my possession. Should I buy it for him from the market? He (peace be upon him) (replied: "Do not sell what you do not possess.") If you want to sell a commodity, you should buy it first and when you take possession of it, you can sell it after that. You should say to

(Part No. 19; Page No. 112)

the person who wants it "wait until I buy it." When you buy and possess it, you may sell it to anyone.

Meaning of legal Qabd

Q: If someone bought food from another on installment plan basis, is it permissible for him to sell it before taking possession of it? What is the meaning of legal Qabd (taking possession of goods, which is essential, according to Shari'ah, to dispose of the sold object) mentioned in the Hadith that selling before it is forbidden? Does the purchase of goods e.g. food or otherwise, and counting them while they are in the merchant's store stand for the legal Qabd, which is essential according to Shari'ah? Some knowledge seekers have issued a fatwa of the permissibility of this. Do they have legal evidence or not? Many people have become accustomed to this. A product may be sold many times while it is in the store of the first merchant, especially if it is sugar or rice. Please, give us a fatwa and clarify this for us, may Allah reward you with the best!

A: If a person buys food from another or any other article, whether in cash or on credit, then he is not permitted to sell it before receiving it i.e., moving it into one's house, store, etc., to be in one's possession. It is not sufficient in taking possession to count it in its place without moving it to be in one's possession. In support of this ruling, it is authentically reported

(Part No. 19; Page No. 113)

in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) and in other books that the Prophet (peace be upon him): ⟨forbade the transaction of food grains until full possession was taken of them.⟩ In another narration: ⟨before receiving it.⟩ According to another report said by `Abdullah ibn `Umar (may Allah be pleased with them both) and recorded in Sahih Muslim: ⟨We used to buy food during the lifetime of Allah's Prophet (peace be upon him) without measurement. He (the Prophet) would then send us those who commanded us to take it (food) to another place before reselling it.⟩ There is another Hadith on his authority reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) and other books wherein he said: ⟨They used to sell food without measuring then Allah's Messenger (peace be upon him) forbade them to sell it until being transferred.⟩ There is a third Hadith reported by him also in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) wherein he said: ⟨I saw people who used to buy foodstuff randomly (without weighing or measuring it). They were beaten in the lifetime of Allah's Messenger (peace be upon him), if they sold it at the very place where they had bought it until they carried it to their dwelling places.⟩ There is another Hadith reported by him in Sunan (Hadith compilations classified by jurisprudential themes) Abu Dawud,

(Part No. 19; Page No. 114)

Al-Daraqatny, Al-Mustadrak and Sahih Ibn Hibban where he i.e. Ibn `Umar, stated: ⟨I bought olive oil in the market. When I became its owner, a man met me and offered good profit for it. I intended to settle the bargain with him, but a man caught hold of my hand from behind. When I turned I found that he was Zayd ibn Thabit. He said: Do not sell it on the spot where you have bought it until you take it, for the Messenger of Allah (peace be upon him) forbade selling goods where they are bought

until the tradesmen take them to their houses.) The Isnad of this Hadith includes Muhammad ibn Ishaq. After citing this Hadith in support of the generality of the ruling on food and any other article, Ibn Al-Qayyim said, "Even if the Isnad includes Muhammad ibn Ishaq, he is a trustworthy authority." Al-Hafizh Al-Mundhiry said about it in Al-Targhib Wa Al-Tarhib: He is one of the outstanding Imams whose Hadiths are Hasan (good). Al-Hafizh [Ibn Hajar] said in Al-Fath: What is reported by Muhammad ibn Ishaq alone is not equal in authority to the degree of a Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish), however, it is a Hadith Hasan (a Hadith whose chain of narration contains a narrator with weak exactitude, but is free from eccentricity or blemish) when he declares his direct transmission of the report. His Hadiths are judged as Hadith Sahih (authentic Hadith) by those who do not differentiate between the Hadith Sahih (authentic Hadith) and the Hadith Hasan (good Hadith) and deem all that serves as evidence to be Hadith Sahih (authentic Hadith). This is the method followed by Ibn Hibban and those holding the same viewpoint. End of quote.

Shams Al-Haq Al-`Azhim Abady said in his commentary on Sunnan Al-Daraqutny: The Hadith was recorded by Abu Dawud with an Isnad wherein Ibn

Ishaq declared that the narration is directly related by him. It is also recorded by Ibn Hibban in his Sahih and Al-Hakim in Al-Mustadrak. Al-Hakim judged it as Sahih (authentic). He said in Al-Tanqih: Its Isnad is good because Ibn Ishaq declared that the narration is stated by him.

I said: The viewpoint of Shaykh Shams Al-Haq that Ibn Ishaq declared in the narration recorded by Abu Dawud that he heard the narration is subject to question, because I have referred to the Sunan (Hadith compilations classified by jurisprudential themes) but I did not find that he declared that he heard the narration. Perhaps, this was mentioned in the copy of Shaykh Shams Al-Haq. Yet Imam Ahmad recorded it abridged in his Musnad on the authority of Ibn Ishaq where the latter declared that he heard the narration.

Thus, the Hadith is good and explicit on the ruling that it is not permissible to sell any article of any kind before taking possession of them. Another Hadith indicating that this ruling includes all the articles is the Hadith narrated by Hakim ibn Hazam and recorded by Al-Bayhaqy with a good Isnad that Hakim said: O Messenger of Allah, I make transactions of sales, which of them is lawful for me and which is unlawful? The Prophet (peace be upon him) replied: (O nephew, do not sell anything until you take possession of it.) Another evidence in support of the generality of this ruling that is equally applied to food and other articles is the Hadith related by Ibn `Abbas (may Allah be pleased with them both) in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) and other books that the Prophet (peace be upon him) said: (He who buys foodstuff should not sell it until he is satisfied with the measure with which he has bought it.") Ibn `Abbas stated: I think that all

things resemble food in this regard. It is related by Al-Khattaby in Ma`alim Al-Sunan and Ibn Al-Mundhir - as attributed to him by Ibn Al-Qayyim in Tahdhib Al-Sunnan - that there is a Ijma` (consensus of scholars) on the impermissibility of selling food before holding possession of it. As for articles other than foodstuff, it is stated by Al-Khattaby and Ibn Al-Qayyim that Scholars have four opinions in this regard. Out of them, Ibn Al-Qayyim deemed the viewpoint stating that the ruling of impermissibility is general and includes foodstuff and all other articles to be the preponderant. This is substantiated by the Hadith of Hakim ibn Hazam and that of Zayd ibn Thabit indicating this. He said, "The cause of prohibition is that the article is not fully in one's possession and that the seller still has a relationship with it, which may urge him to break the contract and abstain from delivering it to the purchaser if the seller sees that the buyer has gained profit from it. The seller may be tempted by

the profit, which may lead him to cheat to break the contract unjustly. This may result in dispute and enmity. We see this happening in reality. Thus, it is out of the merits of the perfect and wise Shari'ah to prevent the purchaser from disposing of it until taking possession of it..." to the end of his words (may Allah be merciful with him).

Those who differentiated between foodstuff and other articles built their opinion on the fact that what is prohibited specifically in most of the Hadiths is food. Yet, this does not indicate that the ruling is confined to food only. Rather, this indicates the generality of the ruling according to the famous juristic rule: Applying the general rule to a specific case included under it is not an indication of confining the ruling to that case. And Allah knows best. This is also substantiated by what has been mentioned by Scholar Ibn Al-Qayyim (may Allah be merciful with him) that if it is food that

was prohibited, though there is dire need for it, then applying the prohibition to other (articles) is stronger and more proper. If food or any other article is sold by measurement or weight, then it should be taken into one's possession by measurement or weight. This is based on what was narrated by Muslim in his book of Sahih Hadith on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾He who bought food should not sell it until he has measured it.﴿ This applies to both what is sold by either measurement or weight. Thus to be on the safe side, the purchaser should not dispose of what he has purchased by either measurement or weight until he moves it to his place according to the numerous authentic Hadiths recorded in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) and other books, which imply that the Prophet (peace be upon him) prohibited selling food until a person takes possession of it. There is no doubt that full possession is achieved only through moving and taking possession of the article, and not just by measuring or weighing it.

Allah (Glorified and Exalted be He) knows best. May Allah's Peace and Blessings be upon our Prophet Muhammad, his Family and Companions!

(Part No. 19; Page No. 118)

Qabd (taking possession of goods) is not fulfilled

by words and the article must be moved

From `Abdul `Aziz ibn `Abdullah ibn Baz to our dear respected brother, may Allah grant him success, amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!):

I have received your message. May Allah guide you! The questions it included were known and here are the questions and answers: May Allah grant us, you and all our brothers success to meet what is right in sayings and deeds, for He is the best One to be asked.

Q: There is a wealthy man, who deals with some people who need articles on credit. For example, he pays one thousand Saudi Riyals for an article and takes one thousand and two hundred Saudi Riyals for the article in installments. The wealthy man goes to the market and buys the required article from the owner of the shop and takes possession of it after paying its price. Then the customer comes to take his article after examining it. The wealthy man gives him the choice either to buy such an article for a certain price or not. Then, the customer takes possession of this article and sings promissory notes.

(Part No. 19; Page No. 119)

A: This transaction is impermissible, because the seller sold that which is not in his possession. Taking possession of the article was not achieved i.e. it was not moved from the possession of the seller, rather it was just by words. This is what often happens. It is authentically narrated that the Prophet (peace be upon him) said to Hakim ibn Hizam (may Allah be pleased with him): ﴾Do not sell what you do not possess.﴿ He (peace be upon him) said: ﴾It is impermissible to gather loan and sale together [in one contract. That is to escape usurious interest] or to sell what you do not possess.﴿ This transaction is impermissible, because the article sold is not in the possession of the seller. If he moves it to his possession or to the market, then he is permitted to sell it. There are many Hadiths in this regard. Moreover, the buyer is not allowed to sell what he bought until he moves it to his possession or to the market according to the mentioned Hadith. The Prophet (peace be upon him): ﴾"forbade to sell the goods where they are bought until the tradesmen take them to their houses."﴿

We wrote in this regard, a letter of which we will send you two copies to read.

(Part No. 19; Page No. 120)

It is not permissible to sell a car or the like until it is moved from the place where it was first sold

Your Eminence, the Grand Mufty of the Kingdom of Saudi Arabia, may Allah grant you success!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!):

A cousin of my wife appointed me to act on her behalf without giving me a legal proxy. I buy cars on her behalf from a gallery where I keep them in a certain part of it and receive the clearance papers and their keys. I may also buy plots for her and then offer them to my own brothers, friends, or neighbors, or I may buy what I want of them.

If I want to buy it for my brothers, one of them will call her to negotiate the deferred price with her. Then they will buy the articles. If I want to buy it for myself, I will call her to negotiate the deferred price with her. If the purchaser is someone else other than me or my brothers, I myself negotiate the deferred price with him. Then I sell it to him. Thus I wish Your Eminence would give me your Fatwa regarding this in order for me to be on clear proof regarding what I do. May Allah reward you with what is best for what you do for me and all Muslims!

(Part No. 19; Page No. 121)

A: Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!):

We advise you to obtain a written legal proxy from her and not to sell cars and such movables until moving them from the place where they were sold into another fair or to your house because the Prophet (peace be upon him): ❨ "forbade to sell the goods where they are bought until the tradesmen take them to their houses." ❩ May Allah grant us all success!

Sale contract is not enough for legal disposition

and it is necessary to move the article

Q 82: Some traders buy a product and do not take possession of it or check it; rather they take a receipt which shows that they have paid for it and it is now theirs, and they leave it in the warehouse of the first vendor from whom they bought it. Then the second vendor sells it to someone else whilst it is still in the warehouse of the first vendor. What is the ruling on that?

A: It is not permissible for the buyer of this product to sell it as long as it is still

in the possession of the seller until the buyer takes possession of it and moves it to his house or the marketplace, based on the many Sahih Hadiths (authentic Hadith) narrated from the Prophet (peace be upon him) concerning that. For example, he (peace be upon him) said: ﴾It is impermissible to gather loan and sale together [in one contract. That is to escape usurious interest] or to sell what you do not possess.﴿ [Related by Imam Ahmad and Ahl-ul-Sunan (authors of Hadith compilations classified by jurisprudential themes) with a Sahih (authentic) Sanad (chain of narrators)] ﴾He (peace be upon him) also said to Hakim ibn Hizam: "Do not sell what you do not possess."﴿ Related by Imams Ahmad, Al-Tirmidhy, Al-Nasa'y and Ibn Majah with a good Sanad. It is authentically reported on the authority of Zayd ibn Thabit (may Allah be pleased with him) that the Prophet (peace be upon him) ﴾forbade the sale of goods where they are bought until the tradesmen take them to their luggage.﴿ (Related by Ahmad and Abu Dawud and graded as Sahih by Ibn Hibban and Al-Hakim) Similarly, if you buy from the purchaser, it is not permissible for you to sell it until you transfer it to your house or to another place in the marketplace, based on the Hadith mentioned above.

Chapter on the condition of option

The ruling on selling something to a fixed time with the condition of option

Q 83: What is your opinion regarding the sale that is common among the people of this county, i.e. selling for a fixed term? When a poor person needs some money, he goes to the rich to borrow some. The rich refuse to lend him unless they gain some benefit out of it. So, they say to the poor: sell us a piece of your agricultural land for a fixed term. It is just a trick to use the land without a price. The creditor takes the wealth of the land for many years; which could be twenty years or less. The poor do not have any other source to pay the debt. Note that the crops, which the creditor takes, are much more than his loan. Could you kindly advise whether this sale to a fixed period is valid or not? If it is invalid, should the value of the crops be deducted from the loan or how should we act? May Allah reward you with the best!

A: The people of knowledge differed about the permissibility of selling something with the condition of option to a fixed time, if the period exceeds three days.

(Part No. 19; Page No. 126)

Some people permitted it while others prohibited it. The most correct is that it is permissible because the Prophet (may Allah's Peace and Blessings be upon him) also says: ﴾Muslims must abide by their conditions, except such which makes lawful unlawful and unlawful lawful.﴿ There are other proofs but some scholars who hold the view of permissibility said that the meaning of sale is: the intention of the seller to sell and the buyer to buy. The condition of option has been made, because there is a doubt about the sold object, the price, or another good purpose. If the purpose of the sale contract is that the buyer benefits from the crops and the buyer takes the price but both have the intention to cancel the sale when the seller has the price, the sale, in this case, is not permissible. It is a kind of Riba (usury), because it bears the same meaning of loan and each loan that brings about benefit is forbidden according to Ijma` (consensus of scholars).

There is no doubt that the intention of the buyer in this transaction is exploitation of the sold object until the borrower gives the price to the seller in order to benefit from the money, which he received from the seller. Every stratagem to be made to get Riba is null and void because the Prophet (may Allah's Peace and Blessings be upon him) says: ﴾Do not commit what the Jews committed where they made the prohibited things of Allah lawful by the meanest tricks.﴿ Related by `Abdullah ibn Battah with a good chain of narration.

(Part No. 19; Page No. 127)

To the same effect, what has been related in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) from Jabir that the Prophet (peace be upon him) said: ﴾May Allah curse the Jews! When Allah prohibited the grease for them, they changed its shape then sold it and usurped its price.﴿ A group of scholars stated this and explained the reason underlying prohibition. For example, Shaykh `Abdul-Rahman ibn Abu `Umar Al-Hanbaly, the author of Al-Sharh Al-Kabir. Here is the text his speech in the fourth vol. P. (80): Chapter: "When a person stipulates the condition of option to benefit from a loan and a sold object during the period of the loan and then the debtor pays the price and the sold object is given back with the condition of option, there is no option, because it is one of the stratagems. It is not permissible for the one who takes the price to benefit from it during the period of option or even spend it. Al-Athram said: I heard Abu `Abdullah asking about a man who buys something and says, you have the choice to such and such period for this building. He said, this is permissible as long as there is no trick such as if he wants to lend him to use the building and make the condition of option to gain some profits from the loan by this trick. If he does not mean to do this, there is no harm. It is said to Abu `Abdullah: If he wants to give him a loan but fears to lose it, so the lender wants to buy something and give him the option but does not mean to make stratagem? Thereupon, Abu `Abdullah said: This is permissible but if the person dies, there is no choice

(Part No. 19; Page No. 128)

for his heirs. The permissibility view of Imam Ahmad in this issue is meant for the sold object, which is not profitable unless it is destroyed or on the condition that the buyer will not benefit from the sold object during the duration of option in order not to lead to benefit-based loan." Here, we come to the end of the quotation of Al-Sharh Al-Kabir's author who explained that if the sale is not meant for lending, it will be permissible. The person meant by Abu `Abdullah is Ahmad ibn Hanbal (may Allah be merciful with him). From the signs of stratagem is to sell the premise for less value than if a person means to really sell it e.g. to sell something worth 100 for only 50, because he is sure that he does not mean to sell but he just means to give a loan in the form of sale. Allah knows best. May

Allah's Peace and Blessings be upon our Prophet Muhammad, his Family and Companions!

The proportion of Ghabn that affects the sale

Q 84: What is the stipulated permissible proportion of Ghabn (deception)?

A: Scholars disagreed on this matter. Some said that it is one third while others declared that it is less than that. However, the best opinion mentioned in this regard is that it is what is customarily known by people to be Ghabn. It is what trade people count as Ghabn for being deleterious to the buyer.

(Part No. 19; Page No. 129)

Chapter on Riba and money exchange

(Part No. 19; Page No. 130)

(Part No. 19; Page No. 131)

Ruling on money investment in usurious banks

Q 85: What is the ruling on money investment in the banks which pay interest on the deposited money?

A: It is well-known, according to the scholars of Shari`ah (Islamic law), that investing money through taking interests on money deposited in banks is Haram (prohibited), one of the major sins and a form of fighting Allah and His Messenger (peace be upon him). Allah (Glorified and Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be

punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.》 《Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.》

And: 《O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.》 《And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).》

(Part No. 19; Page No. 132)

It was authentically reported that the Prophet (peace be upon him): 《cursed the one who consumes Riba, the one who pays it, the one who writes it down, and the two who witness it. He said they are all the same.》 (related by Muslim in his Sahih).

It was related by Al-Bukhari in his Sahih on the authority of Abu Juhayfh (may Allah be pleased with him) that he said: 《The Prophet (peace be upon him) cursed the devourer of usury (usurer) and its clerk, and Musawwir (one who makes pictures and statues, or photographs of living beings).》

It was also related in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: 《Avoid the seven great destructive sins." The people enquired: "O Allah's Messenger! What are they?" He said: "To associate others in worship along with Allah, practice sorcery, kill the life which Allah has forbidden except for a just cause (according to Islamic law), eat up Riba (usury), eat up an orphan's wealth, give your back to the enemy and flee from the battlefield at the time of fighting and accuse chaste women, who never even think of anything touching their chastity and are good believers.》

(Part No. 19; Page No. 133)

There are abundant Ayahs and Hadiths which warn against and ban Riba. Every Muslim is obliged to shun and beware of Riba. They should advise one another to avoid it. Also, the Muslim authorities or rulers have to prevent the bankers from dealing with Riba in their countries and to abide by the Shari`ah rules to implement Allah's Command and to beware of His punishment. He (Exalted be He) says: 《Those among the Children of Israel who disbelieved were cursed by the tongue of Dâwûd (David) and 'Isâ (Jesus), son of Maryam (Mary). That was because they disobeyed (Allâh and the Messengers) and were ever transgressing beyond bounds.》 《They used not to forbid one another from Al-Munkar (wrong, evil-doing, sins, polytheism, disbelief) which they committed. Vile indeed was what they used to do.》 and 《The believers, men and women, are Auliyâ' (helpers, supporters, friends, protectors) of one another; they enjoin (on the people) Al-Ma'rûf (i.e. Islâmic Monotheism and all that Islâm orders one to do), and forbid (people) from Al-Munkar (i.e. polytheism and disbelief of all kinds, and all that Islâm has forbidden)》 The Prophet (peace be upon him) said: 《If acts of disobedience are done among any people and they do not change them, Allah will soon punish them all.》 There are many known Ayahs and Hadiths that urge Muslims to enjoin good and forbid evil. I ask Allah to guide all Muslims, rulers and subjects, scholars and ordinary people, to adhere to Shari`ah, remain steadfast in it and be careful of all that is contrary to it, for He is the best One to be asked.

It is not permissible to deposit money in interest-based banks even if for beneficial purposes

Q 86: Is it permissible for me to deposit money in an interest-based bank, bearing in mind that I intend to spend the profits in charitable ways of disposition and in order not to keep it as a treasure?

A: This is not permissible; this is the basic principle of Riba (usury/interest) which the scholars prohibited and the texts of Sunnah (whatever is reported from the Prophet) indicated its prohibition; this is known as a loan that begets a benefit. What is meant here is the conditional or underlying benefit, even if the doer has bona fides. Allah forbids Riba because it entails many evils and harms against society in general and the poor in particular. Muslims can invest their money in banks or elsewhere in an Islamic way such as Mudarabah partnership (speculative partnership, giving an amount of money to trade with in return for a share in the profit) in which the speculator trades with the money of the investor and shares in the profit according to the percentage they agreed upon, either half or otherwise. The contract of Mudarabah is permissible if it meets the conditions and terms which the scholars pointed out.

Ruling on depositing money in interest-based banks

Q 87: What is the ruling on depositing money in a bank and receiving interest by the end of the year?

A: It is not permissible to deposit money in interest-based banks or receive interest-based loans, for this is a clear Riba (usury/interest).

Is there Zakah on money of usurious activities?

Q 88: Many people enter into transactions with banks and some usurious activities may take place; is there Zakah (obligatory charity) on such money and how much is it?

A: It is Haram (prohibited) to partake in usurious transactions with the banks or elsewhere; all the yielding interests are Haram and ill-gotten. You

should dispose of them in charitable ways of disposition, such as repairing public toilets if you earned them while being aware of Allah's Ruling in this regard. If you did not receive them, you should take only the capital. Allah (Glorified and Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿

However, if you received the Riba-based interests before knowing Allah's Ruling on this regard, they belong to you and you are not obliged to deduct them from your money. Allah (Glorified and Exalted be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿

You should give Zakah on your money, which is free from the Riba-based interests, just as any money on which Zakah is obligatory. This includes Riba-based interest that you received before knowing of its prohibition, for they are part of the total money, for the Ayah (Qur'anic verse) mentioned above. May Allah grant us success!

89- Warning against contributing to

usurious banks and depositing money in them for interest

From `Abdul `Aziz ibn `Abdullah ibn Baz to whomever reads it amongst Muslims. May Allah guide me and them to follow His Al-Sirat-ul-Mustaqim (the Straight Path) and make us all avoid the way of those who earned His Anger and those who went astray, amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

National and foreign newspapers' advertisements that promote deals with usurious banks have recently increased. Such advertisements tempt people to deposit their money in banks against definite usurious interests. Some newspapers publish Fatwas (legal opinions issued by a qualified Muslim scholar) issued by some religious figures to the effect that dealing with usurious banks and receiving definite interests from them is permissible. This matter is dangerous, as it involves disobeying Allah, His Messenger (peace be upon him), and opposing the commandment of the Prophet (peace be upon him). Allah (Glorified and Exalted be He) says:

﴾And let those who oppose the Messenger's (Muhammad صلى الله عليه وسلم) commandment (i.e. his Sunnah - legal ways, orders, acts of worship, statements) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them.﴿ It is well-established through Shar`y (Islamic legal) proofs from the Qur'an and Sunnah (whatever is reported from the Prophet) that definite interests against depositing money in usurious banks are Haram (prohibited) and unlawful. Such interests are regarded as Riba (usury/interest) that Allah and His Messenger prohibit and is considered one of the major sins. In fact, Riba eradicates blessing, angers Allah (Glorified and Exalted be He), and causes the rejection of good deeds. In addition, the Messenger of Allah (peace be upon him) said in one Sahih (authentic) Hadith: ﴾Verily, Allah is Good and only accepts that which is good. Allah commands the pious to follow the same commandments as He gave to the Messengers. He (may He be Exalted) says: ﴾O (you) Messengers! Eat of the Tayyibât [all kinds of Halâl foods which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables, fruits, etc.] and do righteous deeds. Verily! I am Well-Acquainted with what you do.﴿ He (may He be Exalted) also says: ﴾O you who believe (in the Oneness of Allâh - Islâmic Monotheism)! Eat of the lawful things that We have provided you with, and be grateful to Allâh, if it is indeed He Whom you worship.﴿ Then, he mentioned a man who has travelled on a long journey and is disheveled and covered with dust; he stretches forth his hands to the heaven, (saying) "O Lord, O Lord", but his food is Haram, his drink is Haram, all his nourishment is Haram, so how can his Du`a' (supplication) be accepted?﴿ (Related by Muslim). Every Muslim has to know that Allah (Glorified be He) will ask them about their wealth; how did they earn it and how did they dispose of it, for it is reported that

the Prophet (peace be upon him) said: ﴾A servant's feet will not move on the Day of Resurrection before they are asked about four (matters); their youth, how did they wear it out, their life, how did they consume it, their wealth, how did they earn it and how did they dispose of it, and about their knowledge, what did they apply of it.﴿

O servant of Allah, may Allah guide us and you to all that pleases Him, know that Riba is a major sin that is absolutely forbidden with its various types, forms, and names as emphatically reiterated in the Qur'an and Sunnah. Allah (Exalted be He) says: ﴾O you who believe! Eat not Ribâ (usury) doubled and multiplied, but fear Allâh that you may be successful.﴿ Allah (Exalted be He) also says: ﴾And that which you give in gift (to others), in order that it may increase (your wealth by expecting to get a better one in return) from other people's property, has no increase with Allâh﴿ Allah (Exalted be He) also says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ He (Exalted be He) also says:

﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ What a grave crime of him who fights against Allah and His Messenger! May Allah protect us from this. Besides, the Prophet (peace be upon him) said: ﴾'Avoid the seven great destructive sins.' The people enquired, 'O Allah's Messenger, what are they?' He said, 'To join others in worship along with Allah, to practice sorcery, to kill the life which Allah has forbidden except for a just cause (according to Islamic law), to eat up Riba (usury), to eat up an orphan's wealth, to give your back to the enemy and flee from the battlefield at the time of fighting and to accuse chaste women, who never even think of anything touching their chastity and are good believers.﴿ (Agreed upon by Imams Al-Bukhari and Muslim). It is reported in the Sahih Book of Hadith of Imam Muslim on the authority of Jabir (may Allah be pleased with him) that he said: ﴾The Messenger of Allah (peace be upon him) cursed the devourer of Riba, its payer, its scribe and its two witnesses. He said, 'They are all equal.'﴿

These are some legal indications of the Qur'an and Sunnah of Prophet Muhammad (peace be upon him) that reveal the prohibition of Riba and its danger on Muslim individuals and their whole Ummah (nation based on one creed). They also declare that whoever indulges in it commits a major sin

and is considered as fighting Allah and His Messenger. I thus advise every Muslim who seeks the pleasure of Allah and the protection from His punishment in the hereafter to fear Allah (Glorified and Exalted be He) regarding their own self and wealth, to be content with what Allah and His Messenger

permit, and to abandon what they prohibit. Verily, things that Allah (Exalted be He) declares permissible are sufficient. Every sincere Muslim who seeks goodness, protection from Allah's torment, and gaining His pleasure and mercy has to avoid dealing with usurious banks, depositing money in them against an interest, or borrowing from them against an interest, for all the foregoing deals are usurious transactions that involve helping one another in sin and transgression; something that Allah (Glorified be He) prohibits by saying: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ O servant of Allah, fear Allah and save yourself. Do not be tempted by the spread of usurious banks everywhere or the spread of their transactions and those who indulge in them for all this is not evidence of their permissibility. Rather, it is evidence for a big renunciation of the Command of Allah and opposition to His Shar` (Islamic law) whereas Allah (Glorified and Exalted be He) says: ﴾And if you obey most of those on the earth, they will mislead you far away from Allâh's Path.﴿ Sadly, many people do not care about applying the rules of Islam when Allah (Exalted be He) bestows His graces upon them and makes them rich.

(Part No. 19; Page No. 142)

They are not content with what Allah commands them to avoid and what He declares Haram (prohibited) to them. Rather, they become only concerned with earning money through all possible ways whether Halal (lawful) or Haram. This implies their weak Iman (Faith/belief), their lack of fear of their Lord (Glorified and Exalted be He), and their excessive love of the world. May Allah protect us and them from all that opposes His purified Shar`. It is worth mentioning that this painful real condition of Muslims leads to Allah's wrath and punishment. He (Glorified be He) says while warning against evil consequences of sins and bad deeds: ﴾And fear the Fitnah (affliction and trial) which affects not in particular (only) those of you who do wrong (but it may afflict all the good and the bad people), and know that Allâh is Severe in punishment.﴿ I advise particularly those who are in charge of local newspapers and generally those who are in charge of newspapers of Muslim countries to let their press be pure by not publishing anything that opposes Shar` in all fields. I also advise those in authority to stress that those who are in charge of newspapers should not publish anything that opposes Allah's Din (religion) and His Shar`. Undoubtedly, doing so is Wajib (obligatory) on the authorities about which they will be asked in the hereafter if they neglect this. I also advise all Muslims generally to fear Allah (Glorified and Exalted be He), to stick to the Qur'an and Sunnah, to be content with what Allah declares Halal, to beware of what Allah declares Haram, and not to be tempted

(Part No. 19; Page No. 143)

by Fatwas or articles that permit dealing with usurious banks and depositing money in them for interests or belittle the bad consequence of doing so. Surely, such Fatwas and articles are not based on Shar`y (Islamic legal) proofs from the Qur'an or Sunnah. Rather, they are only based on people's opinions and interpretations. May Allah guide us and them and protect us all from deviating temptations. May Allah guide all Muslims generally and their authorities particularly to act upon the Qur'an and Sunnah and help them refer to the judgment of the Shar` in all their private and public affairs. May He direct them to all that fixes their religious and worldly matters and make us avoid the way of those who earned His Anger and those who went astray. Verily, Allah (Glorified and Exalted be He) is the one Capable of doing so. As-salamu `alaykum warahmatullah wabarakatuh.

Ruling on holding shares in Riba based banks

Q 90: Your Excellency Shaykh, `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah protect you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I disputed with my brother over purchasing shares in one of the banks of the Kingdom of Saudi Arabia whose shares are offered for underwriting

this year. We differed regarding the permissibility of doing so and I told him that this is not allowable owing that the bank deals with Riba (usury/interest). He said that there is only a doubt of unlawfulness in the case and it is not prohibited. He want to purchase shares in my name and my sons' names which was the main cause of dispute. In the end, we agreed to refer the case to Your Excellence and we will abide by your fatwa concerning this. We hope that you will give us the fatwa concerning

1- The ruling on holding shares in the referred to bank

2- The ruling on allowing somebody to purchase stocks in others names although the owners of these names believe in the impermissibility of that.

Please answer us as soon as possible. May Allah protect you!

A: As-salamu `alaykum warahmatullah wabarakatuh!

It is not permissible to hold shares in this bank or any bank that deals with Riba. Also, it is not allowable to help a person doing so by using ones name for this is a sort of cooperating in sin and aggression and this is prohibited. Allah said: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ It was authentically reported that ﴾The Prophet (peace be upon him) cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal."﴿ (Related by Imam

Muslim in his Sahih) May Allah guide all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh!

Buying and selling bank shares is Haram and Riba

Q 91: What is the ruling on buying bank shares and selling them after a period of time during which one thousand may become three thousand? Is this considered a form of Riba (usury/interest)?

A: It is not permissible to sell bank shares or to buy them, because this is a sale of banknotes for banknotes without meeting the conditions of validating this sale, namely, equal amounts and actual exchange at once. Moreover, the banks are Riba-based institutions and it is not permissible to cooperate with them by either buying or selling. Allah (Glorified be He) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ It is authentically reported that the Prophet (peace be upon him) ﴾cursed the one who consumes Riba, the one to whom it is given, the one who writes it down and the two who witness it, and he said they are all the same.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith)

(Part No. 19; Page No. 146)

You should not take but your capital. I advise you and other Muslims to beware of all Riba-based transactions, warn one another against them, and repent to Allah from any previous transactions you did, because Riba-based transactions are a kind of war against Allah and His Messenger (peace be upon him) and they incur the Wrath and Punishment of Allah. Allah (Glorified and Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ Allah (Glorified and Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ This is in addition to the above-mentioned Hadith.

Warning against depositing money in usurious banks or other financial institutions for earning interests

Praise be to Allah. May peace and blessings be upon the servant of Allah and His Messenger and upon his family and companions.

I looked into an advertisement written in English and published in Al-Riyadh Newspaper in 14/10/1407 A.H. It promote deposition in the Federal Bank of the Middle East located in Cyprus against higher interests.

Every Muslim who is fully aware of his religion knows that dealing in Riba (usury/interest) is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and one of the major sins. Allah (Glorified and Exalted be He) says: ﴿Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴾ ﴿Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴾ Whoever engages in the Riba-based transactions wages war against

Allah and His Messenger (peace be upon him). He (Glorified and Exalted be He) says: ﴿O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴾ ﴿And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴾ It is authentically reported that the Prophet (peace be upon him) ﴿cursed the one who consumes Riba, the one who pays it, the one who writes it down, and the two who witness it. He said they are all the same.﴾ There is so many Ayahs and Hadiths that warn against Riba and emphasize its worst consequences. All those who have indulged in such transaction must abandon it and perform Tawbah (repentance to Allah). They also should not yield to the temptation of these false advertisements in the future to obey Allah and His Messenger (peace be upon him), beware of the punishments that result sooner or later, and refrain from what is made unlawful by Allah (Glorified and Exalted be He) Who says: ﴿And all of you beg Allâh to forgive you all, O believers, that you may be successful﴾ Allah (Glorified and Exalted be He) also says:

﴿O you who believe! Turn to Allâh with sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow (Paradise)﴾ I ask Allah to guide us and all Muslims to perform Tawbah from all sins; and to protect us from the evils of ourselves and our misdeeds; and to reform the Muslims' affairs, for He is the Most Generous. May Allah's peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Chairman of

the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

`Abdul `Aziz ibn `Abdullah ibn Baz

(Part No. 19; Page No. 150)

Ruling on working or depositing money in banks

Q 93: What is the ruling on whoever works in banks or deposits money therein without receiving any interest on it?

A: Undoubtedly, working in usurious banks is not permissible for it is tantamount to helping one another in sin and transgression whereas Allah (Glorified be He) says: (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.) It is authentically reported that the Prophet (peace be upon him) (cursed the one who accepts Riba (usury/interest), the one who gives it, those who witness it, and the one who writes it. He (peace be upon him) said: 'They are all equal.') (Related by Muslim in his Sahih (authentic) Book of Hadith).

Depositing money in banks against monthly or annual interest is a form of Haram (prohibited) Riba according to Ijma` (consensus of scholars) of scholars. To be on the safe side, a Muslim should, unless under necessity, abandon depositing their money in banks even when no interest is obtained. This is because depositing money in a bank might entail unintentional helping it

(Part No. 19; Page No. 151)

in sin and transgression. It is compulsory to beware of all forbidden acts that Allah declares prohibited and seek proper means to save and preserve money. May Allah guide all Muslims to all that achieves their happiness, glory, and salvation! May He make it easy on them to establish Islamic Banks that do not involve any Riba. Verily, Allah (Glorified and Exalted be He) is the one Who is Capable of doing so. Peace and blessings be upon our Prophet Muhammad (peace be upon him), and his family and Companions.

Ruling on working for Riba-based banks in departments that have no direct deals with Riba

Q 94: As banks nowadays hold interest-based transactions and other lawful transactions, the employees may receive salaries only from the Halal (lawful) transactions; what is the ruling then on working for banks in departments that do not deal directly with Riba (usury/interest)?

A: Banks work and deal with Riba through their help. If they had not been employed in such banks, the banks would have abandoned dealing with Riba. Nevertheless, those employees, who work in departments that do not deal directly with Riba, promote the concerned banks and help them to deal with Riba. May Allah grant us safety!

Ruling on depositing money in Riba-based banks

Q 95: To His Eminence Shaykh `Abdul `Aziz ibn `Abdullah ibn Baz. **May Allah safeguard him, Amen.**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Is it permissible to deposit money and do other dealings with public banks of the Kingdom of Saudi Arabia such as the Saudi American Bank, Riyadh Bank, Arabian Bank, and British Bank? Is it permissible to deposit money in Al-Rajihy company? Please provide us with your beneficial answer. May Allah reward you with the best for supporting Islam and Muslims! As-salamu `alaykum warahmatullah wabarakatuh.

A: Wa `alaykum as-salamu warahmatullah wabarakatuh.

I do not know of any reason that forbids depositing money in Al-Rajihy banks. On the other hand, to be on the safe side, do not deposit your money in other banks unless necessary. As for usurious transactions, they are absolutely Haram (prohibited). May Allah guide us all to all that pleases Him. As-salamu `alaykum (May Allah's Peace be upon you).

General Mufty of the Kingdom of Saudi Arabia

`Abdul `Aziz ibn `Abdullah ibn Baz

Permissibility of depositing money in banks to avoid wasting it

Q 96: I have an account in a bank but I do not receive any Riba (usury/interest). Bearing in mind that the banks generally deal with interest, am I considered as indulging in Riba? Am I considered sinful? Do I have to withdraw my money from the bank though I fear it may be lost?

A: It is permissible for you to deposit your money in a bank without receiving Riba; if you fear it may otherwise be lost.

However, if you can deposit your money in an Islamic bank; it will be better and in this way you would be encouraging and supporting Islamic banks.

Indeed, Muslims have to encourage and help Islamic banks and notify them of their mistakes if they have any. In this way, any mistakes will be fixed so that Islamic banks may compete usurious banks and replace them.

It is also permissible that you deposit your money in an Islamic bank and receive a Shar`y (Islamic legal) interest based on Mudarabah (giving an amount of money to trade with in return for a share in the profit) transactions. Anyway, definite interest such as 10% or 5% is not permissible whether in Islamic or usurious banks. Definite interest is forbidden under all circumstances. It is not permissible for any person to receive definite interest from an Islamic bank, any specific merchant, a usurious bank, and so on.

To clarify the matter, definite interest is to pay the Islamic bank, the merchant, or the usurious bank, for example, one hundred thousand riyals against a definate monthly interest of, for example, 10% or 5% of the deposited amount. Receiving such definite interest is not permissible and is considered Riba.

Islamic banks are based on Islamic transactions such as Mudarabah and buying and selling commodities. Islamic banks then collect the profits and give every person their agreed-on share i.e. one third, one half, or one fifth of the profit subject to agreement between the Islamic banks and the depositors.

In conclusion, it is permissible to deposit your money in usurious banks without receiving interest on it in cases of necessity and fear that such money may be lost. Nevertheless, it is better to avoid doing so, if possible, by giving the money to a trustworthy merchant or depositing it in Islamic banks without receiving interest on it. Islamic banks may use the money in Shar`y profitable transactions and thus, block the means to Riba and the people who use it.

(Part No. 19; Page No. 155)

97- How to deal in gold and silver

From `Abdul Aziz ibn `Abdullah ibn Baz **to the honorable brother `A. M. S., may Allah guide you to what pleases Him, Amen!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your letter in which you asked about how to trade in gold and silver. May Allah guide you and grant you success! May He increase us and all Muslims in useful knowledge and help us act upon it! He is Most Generous, Most Kind!

The answer to your question is pointed out in the Hadith in which the Prophet (peace be upon him) said: (Gold for gold, silver for silver, like for like, weight for weight, and hand for hand. So whoever adds or seeks to add, then he has used Riba.) There are many Hadith to the same effect which are general and include all kinds of exchange of gold and silver, whether currency, jewels or unminted pieces. It is absolutely not permissible to sell

(Part No. 19; Page No. 156)

gold for gold, except like for like, weight for weight and hand for hand. The same applies to silver. As for selling gold for silver or vice versa, this is permissible, in unequal weight, because gold is more valuable than silver provided that this takes place in a hand-to-hand transaction before they part company. When selling gold for anything other than gold and silver such as foodstuff, utensils, clothes, lands, and so on, it is permissible to depart before one of the two parties takes possession of the property exchanged, provided that the property and the price are known and appointed and not absent. However, if the property is absent, the price should be paid on the spot. If the item of sale is deferred, the term should be appointed and the price should be received in the session when the contract is concluded just as in Salam sale (sale with advance payment) to avoid selling a debt for a debt.

May Allah grant us success! As-salamu `alaykum warahmatullah wabarakatuh!

The general Mufty of the Kingdom

`Abdul `Aziz ibn `Abdullah ibn Baz

(Part No. 19; Page No. 157)

The ruling on selling old gold for new gold

Q 98: A questioner from Makkah Al-Mukarramah inquires: I went to the jeweler with some old jewelry and he weighed them and said that they equal 1,500 Riyals and I bought from him some new jewelry for 1,800. Is it permissible to pay him the difference (i.e. 300 Riyals) or should I get the 1,500 and then give him 1,800 in cash?

A: It is not permissible to sell gold for gold, except like for like, equal for equal, weight for weight and hand in hand as the Prophet (peace be upon him) stated in a number of Sahih (authentic) Hadith, regardless of the kind of gold; new or old and so on. The same applies to silver.

The permissible way is to sell the gold for silver or any other currency and take the price, then buy the gold you need for silver or currency

(Part No. 19; Page No. 158)

hand in hand, because currency is like gold and silver in that it involves Riba when being interchanged or exchanged for gold or silver.

If you are to sell gold or silver for anything other than money such as for cars, foodstuffs, sugar, and so on, there is no harm for the two parties to depart before possessing their respective property, for Riba does not occur in exchanging golden currency or paper money for the said items. If it is a deferred payment sale, the time should be set. Allah (Glorified be He) says: (O you who believe! When you contract a debt for a fixed period, write it down.)

It is not permissible to sell gold for gold except hand in hand

Q 99: A questioner inquires about buying gold: If someone bought gold for 1,000 L.E. and they had only 950 L.E. with them; is it permissible for them to take the gold then return to pay the remaining fifty pounds or should they leave the gold till they bring the remaining money, or would this be Riba (usury/interest)? Is it permissible to delay the remaining sum for a period of time, bearing in mind that the price

(Part No. 19; Page No. 159)

of gold is unstable? What is the wisdom behind this? Kindly explain this point to us in detail, since it is a matter of much dispute. May Allah reward you with the best.

A: Praise be to Allah and peace and blessings be upon the Messenger of Allah.

The answer to your question is that it is not permissible to sell gold for gold except hand in hand, like for like and equal for equal as indicated by the Sahih (authentic) Hadiths reported from the Messenger of Allah (peace be upon him) in the Two Sahih Books of Hadith (i.e. Al-Bukhari and Muslim) and others. If anyone holds a view contradictory to this, it is Batil (null and void) and unreliable, for it opposes the Sahih Hadiths and the Ijma` (consensus of scholars). May Allah's Peace and Blessings be upon our Prophet, Muhammad, his family and Companions.

`Abdul `Aziz ibn `Abdullah ibn Baz

The general Mufty of the Kingdom of Saudi Arabia

Equivalence and immediate exchange are the conditions for selling gold for gold

Q: 100: I have some old jewelry which I went to sell in the market. The jeweler took them and gave me other pieces of jewelry in exchange, without taking or giving any extra amounts of money. I thought that this might be impermissible, but he told me that the pieces he took from me and those he gave me are equal in amount, so I believed him. Kindly, provide me with a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard, bearing in mind that I could not give him back the gold if the transaction is not permissible.

A: There is nothing wrong with this, if they are equal in weight and the exchange took place on the spot, even if one is better in quality than the other. This is based upon the generality of Sahih (authentic) Hadith reported to this effect. If the trader lies, he is the one to bear the sin.

The Shar`y way of exchanging gold for gold

Q 101: A man came to buy gold and sell me other gold. The value of his gold, for example, is 200 riyals and my gold is 300 riyals. I gave him the value of his gold in cash then I took the value of my gold from him and we did not separate; is this permissible or should we separate between one trade and the next?

A: In the name of Allah, the Most Gracious, the Most Merciful. Praise be to Allah and peace be upon our Prophet Muhammad, his family, his Companions and those who were guided with his guidance.

It was authentically reported from the Messenger of Allah (peace be upon him) from the Hadith of `Ubadah and from the Hadith of Abu Hurayrah (May Allah be pleased with him) that he said: (gold is to be paid for gold, like for like, hand for hand, He who made an addition or demanded an addition, in fact, dealt in usury.) When a person wants to sell gold to

a jeweler in return for other gold, it must be equal in weight and value; like for like. The seller may sell the gold for a price and receive it first then he buys other gold. As for selling him gold for gold and giving him some more money, this is not permissible. The Shar`y (Islamically lawful) way is to sell the old gold or the new gold, receive the price, then buy other gold with the value he received whether in banknotes or silver; hand in hand. They should not separate until each one takes his right; a seller gives the gold and the purchaser gives the value whether it is silver, banknotes, dollars, Saudi riyals or others.

The meaning of (It is forbidden to sell gold except like for like)

Q 102: What is the meaning of the Hadith of Allah's Messenger (peace be upon him), (It is forbidden to sell gold for gold except weight for weight, like for like.) ? The questioner asks how could a person sell something new for something else that is old without decrease in the weight. Please elaborate on this for us.

(Part No. 19; Page No. 163)

A: Allah's Messenger (peace be upon him) illustrates this saying, (Gold is to be exchanged for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand.) If somebody has new gold and the other has old gold, neither of them is compelled to sell his gold for the other's gold; they can sell it against another thing or forgive the difference in quality. The one who has new gold can sell it against money, silver or any thing else and after that he can buy as much used gold as he wants. This is the islamically legal way in this regard.

The ruling on exchanging old gold for new

Q 103: A woman goes to the market with her old gold and says to the jeweler, "Estimate its value for me". He does so and then she says, "Give me new gold, for that price."

(Part No. 19; Page No. 164)

Does this act contradict what is stated in the Shari`ah (Islamic law)?

A: This transaction is impermissible as it involves selling gold for gold without being certain of the quality and amount. It was authentically reported that the Prophet (peace be upon him) said: ﴾gold is to be paid for gold, like for like, equal for equal, weight for weight, and payment should be made hand to hand. whoever made an addition or demanded for one. he dealt in usury.﴿ (Related by Muslim in his Sahih with more wording) It is not permissible to sell gold for gold with an additional amount or different quality. This goes against the equivalency principle that makes the transaction valid.

The lawful procedure to follow when handling such a transaction is to sell the gold she had first for a specific price that she receives from the jeweler. Then she can buy whatever she wants from him or from someone else in a separate transaction. In this way, there will be no Riba (usury/interest).

Another form of lawful transaction of this nature is that she can buy the gold item for a currency note or silver coins, provided the payment is made hand to hand, or for other

(Part No. 19; Page No. 165)

good such as coffee, sugar, rice, clothes and so on, even if it is on credit. Such transactions do not involve Riba. May Allah grant us success.

The ruling on trading in gold

Q 104: What is the legal ruling on those who buy gold when its price drops and they sell it when its price rises?

A: There is no harm in selling gold for gold provided that it is like for like and weight for weight, no matter if the gold is new or old. Also, there is no blame in selling gold for silver or paper money on the condition that the payment is made hand to hand, for the Prophet (peace be upon him) said: ﴾Gold is to be exchanged for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand.﴿

(Part No. 19; Page No. 166)

(Related by Muslim in his Sahih) Moreover, the Prophet (peace be upon him) said in the Hadith of Abu Sa`id (may Allah be pleased with him), ﴾Do not sell gold for gold except like for like, and do not increase one part over another and do not sell something present for something absent.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) These two authentic Hadiths prove that there is no difference between purchasing gold for gold with the aim of keeping or gaining profit when prices change as long as the sale is carried out in the light of what is mentioned. May Allah grant us success.

The ruling on selling a silver riyal for a banknote riyal with more value

Q 2: What is the ruling on exchanging silver riyals for banknote riyals with more value?

A: There is some confusion concerning this matter. Some modern scholars were certain that this is permissible, because banknotes are different from silver. Others said that it is Haram (prohibited) because banknotes are a circulated currency among people,

(Part No. 19; Page No. 167)

and it has taken the place of silver, so it comes under the same rulings. In my own view, until now, I am not sure of either opinions, but I think it is safer to avoid this because the Prophet (peace be upon him) said: ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ and he said (peace be upon him): ﴾"So he who guards himself against doubtful things keeps his religion and honour blameless..."﴿ and he said: ﴾Virtue is a kind disposition and vice is what rankles in your mind and that you disapprove of its being known to the people.﴿

Therefore, it is safer in this case to sell silver coins for another kind; such as gold, then buy banknotes. If the person who has banknotes wants to buy silver coins, he should sell the banknotes for gold and so on, then sell that for the required silver coins.

Ruling on exchanging ten Riyals of paper money for nine Riyals of coins

Q: What is the legal ruling on exchanging ten Riyals of paper money for nine Riayls of coins and this is done hand to hand? A: Many scholars hold that this is not permissible because they are of the same kind of currency; they all are Riyals but one of them is made of paper and the other is made of metal. However, some scholars are of the opinion that this is permissible owing to the change of material. Anyhow, it is better and safer to avoid doing so owing to the Prophet's (peace be upon him) saying: ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ ﴾So he who guards himself against doubtful things keeps his religion and honour blameless.﴿ May Allah grant us success!

Q: What is the ruling if I treat all currencies as I treat gold in dealings?

A: Both gold and silver are treated in the same as other currencies. So, no currency should be bought or sold in extra value as long as the value is called a currency. The same kind of currency can not be bought or sold or even sold in delay in return for the same kind with extra value because they are treated like gold and silver.

Money replaces gold and silver

Q 108: Do Dirham Banknotes replace gold, silver or any other currency?

A: It is known to scholars in the present time that banknotes take the same ruling on gold and silver because they are considered as values and prices for commodities and thus they stand for gold and silver in case of Riba (usury/interest).

The meaning of "Anyone who made an addition to it, or asked for an addition"

Q 109: What is the meaning of: "Anyone who made an addition or asked for an addition" ?

A: It means that anyone who pays more than the stipulated price or asks for an addition will have dealt with Riba (usury/interest).

Manipulation to consume Riba

Q 110: Some people deceive others to deal with Riba (usury/interest) by, for example, offering to lend somebody one hundred dollars in return for repaying them five hundred riyals. They do so despite their knowledge that this is more than the value they lend. A: All these forms of tricks are forbidden. Any trick that leads to something unlawful is prohibited. However, if this takes place hand to hand, it is acceptable. This means that if a person is in need of dollars and is willing to exchange them, on hand-to-hand basis, in return for paying more than their value, there is no harm in this. Likewise, a person may have some gold whose value is fifty or hundred riyals at market price, and which they are not interested in exchanging. At the same time, someone else may be in need of it to give it to his wife, for example, as Mahr (mandatory gift to a bride from her groom). The latter thus offers sixty riyals instead of

(Part No. 19; Page No. 171)

its actual market price due to his need for it; and this is permissible.

Currency trading

Q 111: Is it permissible to earn money from trading in currency? For example, we exchange LYD 300 for USD 1000, which rates for TND 800 in Tunisian banks. Afterwards, we exchange the TND 800 for LYD 800. In that way, we will have earned LYD 500. Is this Halal (lawful) or Haram (prohibited)?

A: Dealing in currency by buying and selling is permissible, on the condition that the exchange takes place hand-to-hand if the currencies are different. If a person sells Libyan currency for American or Egyptian one or for whatever currency hand to hand, there is nothing wrong with that. There is also nothing wrong if a person buys dollars for Libyan currency hand to hand and exchanges it in one sitting, or buys Egyptian or English currency and so on, for the Libyan or whatever currency on a hand to hand basis. However, if this is done on credit, it is not permissible. If exchange is not done in the same sitting,

(Part No. 19; Page No. 172)

it is also not permissible, because in that case it is regarded as a kind of Riba (usury/interest)-based transaction. Thus, exchange must take place in the same sitting and hand to hand if the currencies are different. However, if the exchanged currencies are of the same kind, two conditions must be satisfied: likeness and exchange, which should take place in the same sitting. This is according to the saying of the Prophet (peace be upon him): ﴿Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, equal for equal, hand to hand, and if these classes differ, then sell as you wish if payment is made hand to hand.﴾ (Related by Muslim in his Sahih (authentic) Book of Hadith) Currencies have the same ruling as the mentioned classes; if they are different; inequality is permissible as long as payment is made in the same sitting. But, if they are of the same kind, such as dollars for dollars or dinars for dinars, exchange should be made in the same sitting along with likeness. May Allah grant us success!

Buying paper money and saving it

Q 112: Is it permissible to buy paper money and save it for the sake of selling it afterwards when its value increases?

(Part No. 19; Page No. 173)

A: There is no harm in buying any goods, keeping them for sale, and selling them when the price rises on the condition that this does not involve any disadvantage to Muslims. In accordance, if a person buys some English or Egyptian pounds, Iraqi dinars, and so on, and holds them so that when their value increases they will sell them, there is no blame on this provided that exchange is made in the same session. This may be called monopoly and it is not allowed if it involves any harm to Muslims in their food and the like.

Selling currency for currency

Q 113: It is known that Arab migrants return home after they had brought foreign currencies such as dollars and golden coins or even any other currency different from the currency of their own country in order to sell it. So, they seek to sell the foreign currency at a higher price. There are several places to sell these currencies whether official or in what is called the black market. The question is: When can we consider this sort of Riba (usury/interest) as Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and what should be done then?

A: Currencies are different. So if anyone sells a currency with another of the same kind; hand in hand,

(Part No. 19; Page No. 174)

it will not be part of Riba such as to sell a dollar for an Egyptian pound or for a Yemeni currency; hand in hand. In this case, there is no harm upon them in doing so. Likewise, if a person sells one currency for another currency, hand in hand, it will not be Riba. If a person sells one currency for another currency to a fixed term, such as to sell a dollar for a Yemeni, Egyptian, Australian, Jordanian or Iraqi Dinar for a fixed term, hand in hand, this will be considered as Riba (usury/interest) because the currency will take the same ruling of gold and silver. So, it is not permissible to sell one for another on credit, but a person should receive the value in hand during the session. The kind of Riba known as Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) takes place when dealing with the same currency such as if the person sells one currency with the same kind plus an extra amount such as selling an Australian dollar for an Australian dollar plus extra amount; an Australian dollar for two Australian dollars. In this case, it is considered Riba even if it is hand in hand. Or if a person sells ten Saudi riyals for eleven riyals, this is Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) Yet, in case it is made for a fixed period, it will be Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) as well as Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment. Likewise, if a person exchanges one dollar for two or three instantly; hand in hand, it will be Riba of excess. If it is made for a fixed period, it will be Riba of excess and on credit.

(Part No. 19; Page No. 175)

114- Ruling on acting as an agent in currency exchange for a percentage of the profit

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, the Director of Da`wah and Guidance Center in Ihsa'. May Allah protect him!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

With reference to the Fatwa request registered in the Departments of Scholarly Research and Ifta' under No. 424 dated 27/1/1407 A.H., and which was sent to us on under No. 27, dated 23/1/1407 A.H. and which includes a query from one of the citizens. The query is as follows: Someone gave Al-Rajihy Bank one hundred thousand Riyals to buy gold and silver on his behalf. It is worth mentioning that Al-Rajihy Bank does not sell except when the owner gives his approval. The bank tells him the market status via phone. If the currency rates are high, the owner orders the bank to sell, otherwise he orders it not to sell. The bank is entitled to a percentage of the profit. When the owner wants to redeem some gold or silver dirhams, Al-Rajihy bank pays them back in the form of Riyals. What is the ruling on such a transaction in our Purified Shar`? Please advise us. May Allah reward you well!

(Part No. 19; Page No. 176)

The answer is: If the case is as you have mentioned, there is nothing wrong with this transaction. Al-Rajihy acts as an agent who manages the sale and purchase on behalf of the owner. With regard to taking back his entitlements, if they are gold or silver items or paper in the form of Riyals, he has to take them as they are. May Allah guide us all to do whatever pleases Him!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Chairman of

the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

115- Obligation of disapproving of usurious transactions

Praise be to Allah, the Lord of the Worlds, and peace and blessings be upon His Messenger, our Prophet Muhammad and upon his family and Companions. The call to Riba (usury/interest) is one of the evil phenomena that is now widespread in our magazines. An example of this is what was published in Al-Jazeerah magazine in issue number 2263 and dated on 11/10/1398 A.H. under the headline "Our plan for excellent insurance" as well as other calls to Riba in local magazines. However, these usurious transactions are prohibited according to the Qur'an, Sunnah, Ijma` (consensus of scholars). Ayahs (Qur'anic Verses) and Hadiths of the Prophet (peace be upon him) prove that consuming Riba is one of the major sins and the crimes threatened with Fire and curse. Allah (may He be Exalted and Glorified) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿

﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less

than your capital sums).》

These Ayahs clearly and conclusively forbid Riba and state that it is among the major sins leading to the Fire. They imply that Allah (Glorified and Exalted be He) spoils the return of Riba and increases and multiplies charity for its donators so that little charity grows great provided that it is gained from a lawful source.In addition, the last Ayah frankly states that those who deal with Riba fight Allah (Exalted be He) and His Messenger (peace be upon him) and they should return to Allah (Exalted be He) in repentance and receive their principal money without any increase. It is authentically reported that 《the Prophet (peace be upon him) cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal."》

The issue at hand that is widely promulgated in magazines and newspaper had been checked out by the Council of Senior Scholars in the Kingdom of Saudi Arabia and end in the following decision:

(Part No. 19; Page No. 179)

"Depositing money in banks against fixed usurious interest that the owner of the money receives from the bank and the like, which the bank pays him after the elapse of the period they agree on or when the depositor receives his money. This additional amount is called profit or interest. However, it is an open Riba which Allah (Exalted be He) and His Messenger (peace be upon him) prohibited and the Salaf (righteous predecessors) agreed upon prohibiting it and it does not matter whether it is called a deposit or any other name for designation does not change the ruling of its being Riba and disallowed. This is because depositing money in banks includes Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment) for it is nothing but selling money for delayed money in addition to a usurious profit in advance."

It is obligatory on authoritative bodies and Muslim scholars in every place to disapprove these illegal transactions and warn people against them. Also, the Ministry of Information should prevent publications that promote usurious dealings or advertise them in all mass media. Allah (Glorified and Exalted be He) says: 《Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.》 And: 《Let there arise out of you a group of people inviting to all that is good (Islâm), enjoining Al-Ma'rûf (i.e. Islâmic Monotheism and all that Islâm orders one to do) and forbidding Al-Munkar (polytheism and disbelief and all that Islâm has forbidden). And it is they who are the successful.》 And: 《Those among the Children of Israel who disbelieved were cursed by the tongue of Dâwûd (David) and 'Isâ (Jesus), son of Maryam (Mary). That was because they disobeyed (Allâh and the Messengers) and were ever transgressing beyond bounds.》 《They used not to forbid one another from Al-Munkar (wrong, evil-doing, sins, polytheism, disbelief) which they committed. Vile indeed was what they used to do.》

(Part No. 19; Page No. 180)

And: 《By Al-'Asr (the time).》 《Verily, man is in loss,》 《Except those who believe (in Islâmic Monotheism) and do righteous good deeds, and recommend one another to the truth [i.e. order one another to perform all kinds of good deeds (Al-Ma'ruf) which Allâh has ordained, and abstain from all kinds of sins and evil deeds (Al-Munkar which Allâh has forbidden], and recommend one another to patience (for the sufferings, harms, and injuries which one may encounter in Allâh's Cause during preaching His religion of Islâmic Monotheism or Jihâd).》 May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

(Part No. 19; Page No. 181)

Ruling on giving a gift to a creditor

Q 116: Two coworkers agreed to finance the construction of a residential building. Under this agreement, one of them has to pay 300 thousand riyals to finance the project, and the other has to repay his share of costs annually from his personal resources. The debtor willingly promised the creditor to unrestrictedly give him the value of the rent of three apartments in this building as a gift. The project was completed and the costs increased to 400 thousand riyals. Is the value of the rent of three apartments that the debtor promised the creditor to give as a gift Halal (lawful) or does it involve Riba (usury/interest)?

A: The situation of these two persons suggests that the sum of money given by the debtor to creditor is paid for granting the former a delay to repay his share of the project costs. This is true even if they did this act willingly or call it a gift. Allah knows their intention. This money is not given for the sake of friendship or kinship, but for what the creditor did.

(Part No. 19; Page No. 182)

The debtor wants the creditor to continue financing the project until it is complete and their agreement runs as they planned. To sum up, this act seems to involve Riba as the creditor accepted to lend the debtor money in return for this act, which they regard as a gift but in fact it is not. Rather, it is regarded as interest paid for granting a respite. And Allah knows best.

warning against dealing with Riba and clarifying its evil consequences

All praise be to Allah, and peace and blessings be upon Allah's Servant and Messenger, our Prophet Muhammad, and his family and Companions!

I was told that some companies deal in Riba (usury/interest), both taking it and giving it, and the number of participants and others who are asking about the ruling on the profits gained as a result of Riba has increased. As Allah has obligated Muslims to advise one another and to cooperate in Birr (righteousness) and Taqwa (fearing Allah as He should be feared), I decided to warn those who are involved in it that it is Haram (prohibited) and that it is one of the major sins, as Allah (Glorified and Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ Allah (Glorified be He) describes committing it as going into war against Him and His Messenger (peace be upon him), saying,

﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly

(by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).)

It was authentically reported that (The Prophet (peace be upon him) cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal (in sin).") There are many Ayahs (Qur'anic verses) and Hadith that warn against Riba and explain its evil consequences. It is obligatory that anyone from companies or others that deal with Riba should make Tawbah (repentance to Allah) for this and not deal with it in the future. They should do so in obedience to Allah (Glorified and Exalted be He) and His Messenger (peace be upon him), and to avoid the resulting punishments for this. They should avoid falling into what Allah has declared as Haram (prohibited), in accordance with what He (Glorified and Exalted be He) says: (And all of you beg Allâh to forgive you all, O believers, that you may be successful) He (Glorified and Exalted be He) also says: (O you who believe! Turn to Allâh with sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow (Paradise))

(Part No. 19; Page No. 185)

One type of Riba that has spread among the people is interest-based loans and deposits, which give returns of 5% or 10%, etc. These transactions are of the same type as the Riba that was practiced in the time of Jahiliyyah (pre-Islamic time of ignorance) that is referred to in the previous Ayahs.

I ask Allah to guide us and all Muslims to repent to Him for all our sins, to protect us all from the evils within ourselves and our misdeeds, and to set all our affairs aright! He is the Most Generous. May the Peace and Blessings of Allah be upon our Prophet Muhammad, and his family and Companions!

President

of the Departments of Scholarly Research, Ifta', Da'wah, and Guidance

(Part No. 19; Page No. 186)

Prohibited types of debt

Q 118: I needed some money to complete the building of my house in one of the areas of Saudi Arabia. I asked someone to lend me as much money as he could, and he told me that he wanted to give me a car and that he would send it to me. He gave me 12,000 Riyals, but recorded this debt as 21,000 Riyals. I have not seen the car and I do not even know its color; it was just recorded on paper. He told me to repay 1,000 Riyals each month and I was obliged to accept this as I was in need of the money. Up until now, I have repaid 8,500 Riyals, and there are still 12,500 Riyals remaining to be repaid. Do I have to repay the extra money on top of the capital? Please advise me and may Allah reward you with the best!

A: If the reality is as you mentioned, this transaction is Batil (null and void), because it includes both Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). The person who lent you the money only has the right to his capital, which is just 12,000 Riyals,

(Part No. 19; Page No. 187)

because he did not give or sell you the car, according to what you say, but he gave you money for money, which is an evident Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and blatant Riba. Both of you have to perform Tawbah to Allah and not do it again. We ask Allah to accept your Tawbah!

Ruling on giving employees a salary certificate to get a bank loan

To His Eminence, Shaykh 'Abdul-'Aziz ibn 'Abdullah ibn Baz, may Allah protect him!

As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

My problem is that I am an employee in one of the government departments to which other departments are affiliated, and I work in the payment and salaries section of this department. One of the employees from another department applied for a loan from a bank that deals in Riba (usury/interest). Among the requirements for the loan is the submission of a salary certificate from an authoritative source, which has to be written by one of the employees responsible for salaries, and I am one of them. When the person asked me to write a statement of his salary and other allowances for him, I advised him not to take this loan, as it involves Riba, but he was not convinced by this and insisted on his request, so I insisted on my position and I did not give him the paper he asked for.

(Part No. 19; Page No. 188)

Information about this matter reached the department manager, who in turn insisted that I should write this paper that showed the amount of salary and allowances received by this loaner, but I refused to do it, explaining that this would entail helping him in Riba. However, he insisted on his position and threatened to transfer me from my post if I did not write this paper.

My question is whether he, as my manager, has the right to force me to do this. Also, if any employee comes to ask for me for a statement of their net salary and allowances, without indicating where they want to submit this information, do I have the right to refuse that as well, knowing that they want to submit it to a bank that deals in Riba?

Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) that I can use as a basis to convince those applying for these loans. I will also show it to the department manager, so he will abstain from giving these certificates, as the matter has become worse as more people have been asking for these certificates.

Wa 'alaykum as-salam warahmatullah wabarakatuh.

You have done well if you know that the loan you mentioned is Riba-based. There is no doubt that taking loans from banks or anywhere else in return for an increase is considered as a type of Riba according to the Ijma' (consensus) of Muslims.

(Part No. 19; Page No. 189)

Neither you nor any other Muslims are allowed to help in concluding usurious transactions, as Allah (Exalted be He) says: (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.) May Allah guide everyone to what pleases Him!

As-salamu 'alaykum warahmatullah wabarakatuh.

'Abdul-'Aziz ibn `Abdullah ibn Baz

Ruling on company accountants recording Riba-based loan contracts in ledgers

Q 120: I work as an accountant in a company that is sometimes compelled to take a Riba (usury/interest)-based loan from the bank. I receive copies of the loan contracts to record the company's debts. Am I sinful if I record the contract without concluding it?

A: It is not permissible to cooperate with the company you mentioned in regard to Riba-based transactions, because the Messenger (peace be upon him) (Cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it.) He (peace be upon him) said, ("They are all equal (in sinfulness).") (Related by Muslim) This is also in compliance with the general meaning of the Command of Allah (Glorified be He): (but do not help one another in sin and transgression.)

121- Ruling on issuing borrowing policies with profit

All praise be to Allah Alone, and peace and blessings be upon the Seal of all Prophets!

I read an advertisement in the Middle East Newspaper issued on 13/8/1409 A.H., which contains an advertisement that reads as follows: one of the Arab countries will issue borrowing policies with 11% or 12% for years shown in an advertisement. I was really upset about this and I found it an obligation to advise the people for Allah's Sake and point out the ruling on this form of borrowing. Hence, I say:

The Qur'an and the Sunnah pointed out the strictest prohibition of all kinds of Riba (usury/interest), be it Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) or Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). Allah (Glorified be He) points out in His Book the threat which the dealers with Riba will face where He (Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ Allah (He may be Glorified) says that Riba

is considered fighting against Allah and His Messenger (peace be upon him). Allah (Glorified and Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ The Prophet (peace be upon him) said: ﴾Do not sell gold for gold, except like for like, and do not increase one part over another part; and do not sell silver for silver except like for like, and do not increase one part over another part, and of these, (gold and silver), do not sell something present for something to be delivered later.﴿ (Agreed upon its authenticity from the Hadith of Abu Sa`id Al-Khudry (may Allah be pleased with him). The Prophet (peace be upon him) also said: ﴾Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand.﴿ (Related by Muslim in his Sahih (authentic book of Hadith) from the Hadith of `Ubadah ibn As-Samit (may Allah be pleased with him). There are numerous Hadiths to the same effect. No doubt, paper transactions have the same ruling on dealings with gold and silver because they replaced them in value and prices. Hence, it is not permissible to sell a currency

for another currency on delay of payment or borrowing something of it with an interest from the same kind or even another kind except hand in hand and like for like in case they were of the same kind. If the kinds of currencies are different such as an American dollar for an Australian dollar, both currencies must be exchanged in the same session and the value may not be the same because both kinds are different.

Scholars have unanimously agreed that every loan containing a condition of gaining benefits for one side or both parties and this benefit is stipulated, it will be considered Riba (usury/interest).

My advice for the mentioned treasury is to abandon and avoid this kind of transaction because it is a usury-bearing dealing. My advice to all Muslims is to avoid them because they are prohibited transactions that work against Allah's Purified Shar` (Law) and also because the Prophet's (peace be upon him) said: ﴿Religion is based on advising one another. Upon this we said: For whom? He replied: For Allah, His Book, His Messenger and for the leaders and the general Muslims.﴾

I ask Allah to guide all Muslims, both rulers and subjects, to act according to His Shar` (Law) and warn against violating it for He is the Most Generous! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Chairman of the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

`Abdul-`Aziz ibn `Abdullah ibn Baz

The ruling on giving in charity from usury-bearing gains

Q 122: We are Muslim workers who work in Madinah. We would like to ask about the ruling on benefiting from usury-bearing money in banks:

First: Is it permissible for us to take Riba (usury/interest) from these banks and give the interest to the poor and establish charitable buildings instead of leaving these interests to them?

Second: If this is not permissible, is it permissible to place money in these banks for a need such as fear of the money being stolen or lost without receiving the interest; taking into consideration that the bank benefits from the money as long as it is deposited there?

May Allah guide you, benefit by you and grant you success to whatever pleases Him!

A: If there is a need to save money in these usury-bearing banks, there is no harm in doing so - in sha'a-Allah (if Allah wills) - because of Allah's Saying: ﴿while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴾ There is no doubt that transferring and depositing money must be done through banks nowadays

for necessity without stipulating interest. If the interest is paid to the depositor without a condition or agreement, there is no harm to spend it on charitable projects such as helping the poor, people in debt, and so on, but not to possess it or benefit from it because it takes the same ruling as money that will harm Muslims if left to non-Muslims despite the fact that it is gained from unlawful means. Spending it in things that benefit Muslims is better than leaving it to non-Muslims to use it in things which are prohibited by Allah. If it is available to transfer money through Islamic banks or through any other lawful means, it will not be permissible to transfer money through usury-bearing banks. Likewise, if it is possible to deposit money in Islamic banks or stores, it will not be permissible to

deposit in usury-bearing banks because there is no need for that. It is not permissible for a Muslim to participate with non-Muslims or others in usury-bearing dealings and if a depositor does not want to own usurious interest even if he wants to spend it on charitable projects because dealing with usury is prohibited by the Shari` texts and Ijma` (consensus of scholars). So, it is not permissible to do that even if he does not mean to benefit from for himself. May Allah grant us success!

The ruling on dealing with the owners of prohibited money

Q 123: Is it permissible for a person to deal with those whom he knows that their money is ill-gotten or does every self earn nothing except what is to its own account?

(Part No. 19; Page No. 196)

A: If you know that the wealth of such and such person is ill-gotten, you must not deal with him. In case his wealth is mixed (i.e., lawful and unlawful), you may treat him as the Prophet (peace be upon him) did with the Jews. You know that the wealth of the Jews are mixed. They deal with Riba (usury/interest) and false contracts but the Prophet (peace be upon him) dealt with them and ate from their food and made their food lawful for us. Allah (May He be Exalted) says: ﴿For the wrong-doing of the Jews, We made unlawful for them certain good foods which had been lawful for them - and for their hindering many from Allâh's Way;﴾ ﴿And their taking of Ribâ (usury) though they were forbidden from taking it and their devouring of men's substance wrongfully (bribery).﴾ They have permissible sales, unlawful sales, lawful profits and unlawful profits. So, there is no harm to deal with the people whose money is mixed. When you know that this wealth is ill-gotten, do not deal with the person whose wealth is ill-gotten whether in purchase or selling.

(Part No. 19; Page No. 197)

124- The ruling on eating from usury-bearing money for children, relatives and guests

His Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, the General Mufty of the Kingdom of Saudi Arabia and the Chairman of the Authority of Senior Scholars and the Chairman of the Departments of Scientific Research and Ifta'. May Allah protect him and grant him success in doing whatever is good! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

There is a woman whose husband is a manager in a usury-bearing bank and she is an employee. The question is:

1- Is her Du`a' (supplication) acceptable? It is worth mentioning that she and her husband live on this usury-bearing money because there is no other source of income. I mentioned before that she is an employee. However, she fears to ruin the relation between her and her husband because the husband gets upset when she refuses to eat or drink from his money.

2 - Is it permissible for relatives to visit them and eat their food? namely, to visit the usurer and eat from his food?

3 - Is it obligatory on the wife to inform her guests that the money is usury-bearing? Will it be a sin if someone eats their food while he is ignorant about the status of her husband and the source of the gains?

(Part No. 19; Page No. 198)

4 - What is the ruling on the money that is gained from interest? Will the usurer's trade be lawful if he thinks to leave the bank and work in these projects that he established from this money? Will these projects be unlawful despite the fact that their origin is usurious money?

5- Is it permissible to give the wealth of usurers to their children and wives after their death? What should the heirs do with this money after the usurer's death?

6- If that person is acquainted with the ruling and insists on taking usurious interest, should the wife ask for divorce? Could you kindly advise. May Allah grant you success and make you as support for Islam and Muslims! Could you kindly elaborate the answer? May Allah facilitate things for us and help us to follow His Shar` (Law) and the path of our Prophet Muhammad (peace be upon him)! As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

It is obligatory to advise and warn him against continuing in that job because carrying out usurious acts is one of the grievous sins and from the reasons of not accepting Du`a' (supplication) and charity because of the Prophet's (peace be upon him) saying: (Verily, Allah

(Part No. 19; Page No. 199)

is good and only accepts what is good...and so on.) Then he mentioned at the end of the Hadith: (He then made a mention of a person who travels widely, his hair dishevelled and covered with dust. He lifts his hand towards the sky (and thus makes the supplication):" O Lord,O Lord," whereas his diet is unlawful, his drink is unlawful, and his clothes are unlawful and his nourishment is unlawful. How can then his supplication be accepted?) We advise you to eat from your lawful money as long as your husband is still working in that job. May Allah guide all the people to things which please Him! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

`Abdul-`Aziz ibn `Abdullah ibn Baz

The General Mufty of the Kingdom of Saudi Arabia

(Part No. 19; Page No. 200)

Curing the sick is not a justification for dealing with Riba

Q 125: A man has thirty thousand riyals and he has a sick boy. Doctors decided to perform an operation which will cost sixty thousand riyals. He did not find anyone to lend him the rest sum of the money. He did not find any other source to pay the costs, so he invested the other thirty thousand riyals in usury until he received sixty thousand riyals and used this money to treat his ill son. He says: necessity makes restrictions permissible. What is the ruling on this issue?

A: This person has to repent to Allah (Exalted be He) and give up usury-bearing dealings because need does not make usury-bearing dealings lawful. Such a case contains no necessity because cure is recommended for the sick and not obligatory and because he can borrow some money or buy a commodity on credit then sell it in advance as well as other ways that would enable him to fulfill his need. We ask Allah to grant us success and sincere repentance! May Allah grant us success!

(Part No. 19; Page No. 201)

The ruling on borrowing with interest to repay debts

Q. 126: I am an employee and I my salary is about 3048 riyals. I got married one year ago but I am indebted for 53,000 riyals. The creditors embarrass me very often and I can not find any other source to repay them. Is it permissible for me to borrow some money from one of the banks which give on credit with an interest? It is worth mentioning that the loan will not pay half of my debts. Could you kindly advise me. May Allah reward you well!

A: It is not permissible for a Muslim to borrow from banks or any other source with interest because this is a kind of the greatest Riba (usury-interest). A Muslim must pursue the permissible means of sustenance as well as paying their debts. The permissible transactions and means of earnings that Allah (Exalted be He) has permitted are sufficient rather than resorting to forbidden means. It is obligatory upon creditors to grant you a respite if they know that you are insolvent because of Allah's Saying: ﴾And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay, but if you remit it by way of charity, that is better for you if you did but know.﴿ It was authentically reported

(Part No. 19; Page No. 202)

that the Messenger of Allah (peace be upon him) said: ﴾He who gives respite to someone who is in straitened circumstances Allah will shelter him in the shade of His Throne, on the Day of Resurrection, when there will be no shade except its shade.﴿ He (peace be upon him) also said: ﴾"... he who finds relief for one who is hard pressed, Allah will make things easy for him in this world and in the Hereafter..."﴿

The ruling on taking one's salary before its due time in return for a sum of money

Q 127: Is it permissible to cash the salary cheque before its due time in return for twenty riyals? May Allah reward you well!

A: It is not permissible to cash this cheque in this way because this is a form of Riba.

Refuting what was claimed about bank interest

All praise be to Allah, the Lord of the Worlds. May Allah's Peace and Blessings be upon His Servant, Messenger, and the best of His Creation, our Prophet Muhammad ibn 'Abdullah (peace be upon him), and on his family, Companions, and those who follow their way and guidance until the Day of Judgment.

I have read what was published in the "Manar Al-Islam" magazine, in its third issue of Rabi' Al-Awwal, 1404 A.H., in the ninth year of its publication, about a High Supreme Court in one of the Arab countries announcing some principles relating to bank interest and legal proceedings regarding them in court. Among the principles was that simple interest on loans is permissible, as an exception from the original principle of prohibiting Riba (usury/interest) in cases of necessity, and if it was required in the public interest. They considered that banks, in their current situation and position related to international systems, are indispensable in meeting the needs of modern life. They said that courts cannot refuse to give a ruling on interest, claiming that it is prohibited by the Shari'ah (Islamic law), and that, if two parties have agreed on interest, a judge can only rule in favor of it. And finally, it is also claimed that simple interest, as long as it is within

12% in commercial transactions and 9% in other transactions, is permissible.

They also considered that interest in these situations is not inconsistent with the Shari'ah followed by the Muslim country.

I was very surprised at this bold announcement of these strange principles that support a violation of the Taboos ordained by Allah and the known rulings of His Merciful Shari'ah in the Din (religion) of Islam that come from the explicit texts of the Qur'an or the Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish) of the Messenger (peace be upon him). It was especially surprising that it was announced in an Muslim country that is presided over by a Muslim man. This bold initiative is a fabrication against Islam and declaring as Halal (lawful) one of the most strongly prohibited matters in the Shari'ah of Allah.

It is known that allah (Glorified and Exalted be He) has prohibited all types of Riba in His Book in many Ayahs (Qur'anic verses), including when He (Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ He (Exalted be He) also says: ﴾O you who believe! Eat not Ribâ (usury) doubled and multiplied, but fear Allâh that you may be successful.﴿

He also says: ﴾And that which you give in gift (to others), in order that it may increase (your wealth by expecting to get a better one in return) from other people's property, has no increase with Allâh﴿ And He (Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿

This threatening tone shows that Riba is one of the gravest crimes, one of the most abominable major sins that incurs Allah's Anger, and brings both immediate and delayed punishments, as Allah (Glorified and Exalted be He) says: ﴾And let those who oppose the Messenger's (Muhammad صلى الله عليه وسلم) commandment (i.e. his Sunnah - legal ways, orders, acts of worship, statements) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them.﴿ The Prophet (peace be upon him) said, ﴾"Avoid the Seven Destructive Sins." They said, "O Messenger of Allah! What are they?" He (peace be upon him) said, "Shirk (associating others with Allah in His Divinity or worship); Sihr (magic, witchcraft); killing a soul that Allah has forbidden to be killed, except for just cause; consuming Riba (interest/usury); consuming an orphan's wealth; fleeing from the battlefield; and accusing chaste, inattentive, believing women."﴿

The Prophet (peace be upon him) also said, ("There are seventy-two types of Riba, the least of which is like a man committing incest with his mother.") It was authentically reported from him (peace be upon him) that (He (peace be upon him) cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal (in sinfulness).") He (peace be upon him) also said, ("Gold for gold, silver for silver, wheat for wheat, barely for barely, dates for dates, salt for salt, like for like and hand-to-hand (on the spot). Anyone who gives more or asks for more has dealt in Riba; the giver and taker of it are alike (equally guilty).") Those Ayahs and Hadith, and others, confirm the prohibition of Riba, whether it is a little or a lot, and they clarify its danger for individuals and society. Anyone who deals in it or gives it has fought Allah and His Messenger; and there is no disagreement among all the scholars on its prohibition, due to the clear, definitive texts regarding it.

How can a Muslim who is protectively jealous of their religion, who believes in the greatness of Islam and that it is a complete and comprehensive Din which brings benefit, protects from harm, and is applicable in all times

(Part No. 19; Page No. 207)

and places, permit themselves to declare Riba permissible and deal in it?

The principles that were announced by one of the High Supreme Courts in that country, which permit what is prohibited by Allah and His Messenger, under the pretext of meeting the need for it, shows audacity against Allah, deviation from His Rulings, and ignorant conjecture. People's need for banks can only be met when they are run on the basis of the Shari'ah, by permitting what Allah has permitted and prohibiting what Allah has prohibited. If it contradicts that, it is evil and corrupted. The rulings of the Shari'ah are constant and definitive, because they are laid down by the All-Mighty, the All-Wise, Who knows the affairs of His Servants and what benefits them, so it not permissible for us to rule by our own opinions or desires in defining what is Halal (lawful) and what is Haram (prohibited).

It is due to obedience to the Orders of Allah and His Messenger, the obligation of mutual advising among Muslims, and to fulfill my obligation to warn against what is prohibited by Allah and His Messenger, that I am writing these brief words. I ask Allah to grant us and all the Muslims the best comprehension of His Din, keep us firm on it, help us give advice for the sake of Allah and His Servants, and warn against all that contradicts Allah's Purified Shar' (Law)! He is the Most Generous. May Allah's Peace and Blessings be upon our Prophet Muhammad, and on his family and Companions!

President of

the Departments of Scholarly Research, Ifta', Da'wah, and Guidance

'Abdul-'Aziz ibn 'Abdullah ibn Baz

(Part No. 19; Page No. 208)

129. Refuting what was attributed to His Eminence about him saying that Riba-based interest is permissible in cases of necessity

Refuting the news that was published in "Al-Ahram" newspaper issued on 18/2/1411 A.H.

All praise be to Allah, and may Allah's Peace and Blessings be upon the Messenger of Allah, and on his family and Companions!

I have read what was published in the "Al-Ahram" newspaper, issued on 18/2/1411 A.H., quoting from the Honorable Egyptian Minister of Waqf (Endowments), saying that I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) that it was permissible to deal in interest with banks in case of necessity.

In order to clarify the truth to the reader and others, I am announcing that this quote is not true. I have issued many Fatwas before that have been published in the local newspapers and others about the prohibition of bank interest, as is indicated by the Shar'y (Islamic legal) evidence found in the Qur'an and the Sunnah. And Allah (Alone) is Sufficient for us and He is the Best Disposer of affairs. We ask Allah to guide all the Muslims to all that

(Part No. 19; Page No. 209)

conforms to His Sacred Shari'ah and protects them from His Anger. May Allah's Peace and Blessings be upon our Prophet Muhammad, and upon his family and Companions!

'Abdul-'Aziz ibn 'Abdullah ibn Baz, President of the Founding Council of the Muslim World League in Makkah and the Departments of Scholarly Research, Ifta', Da'wah and Guidance in the Kingdom of Saudi Arabia.

(Part No. 19; Page No. 210)

Ruling on taking assistance from a bank in return for depositing

Q 130: One of the banks offered one of the officials responsible for the Student Fund to put the fund money for safekeeping in return for what the bank called "assistance." It is a sum of money that is given for nothing in return other than depositing money in the bank, and the bank in turn uses and invests that money. Is it permissible to deposit money in the bank in this case?

A: This action is not permissible, because it is Riba. The truth behind it is that the bank disposes of money from the fund for a known rate of interest that they give to the fund, and they call it "assistance" as a covering for Riba to deceive people. However, Riba is still Riba, whatever people call it. Allah is the One Whose help is sought.

Impermissibility of depositing money in a bank with interest to pay taxes

Q 131: A. E. from Latakia

(Part No. 19; Page No. 211)

in Syria, asks: Is it permissible to make a deposit in a bank for interest in order to pay the taxes that I owe from this interest? I hope that you will answer me and may Allah reward you with the best!

A: This action is not permissible, because it is a Riba-based transaction that is not permissible to carry out, as Allah (Glorified be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ With Allah is the success!

Islamic banks

Q 132: What is your opinion on non-Riba based Islamic banks?

A: It is incumbent upon Muslim governments and retailers to establish Islamic banks to help Muslims avoid dealing in Riba (usury/interest).

133- Introduction to the review written by Muhammad ibn Ahmad Al-Salih in a response to Dr. Ibrahim Al-Nasir

Preface: All Praise be to Allah Alone, and peace and blessings be upon His Servant and Messenger, Prophet Muhammad, his family, Companions and those who followed him rightfully until the Day or Judgment!

To proceed: I have read this valuable article which includes a response to what is written by Dr. Ibrahim ibn 'Abdullah Al-Nasir. The topic which Dr. Muhammad ibn Ahmad Al-Salih has written about Riba (usury/interest) came under the title "The Stance of Islamic Shari`ah towards Banks". It refutes what Ibrahim Al-Nasir wrote about the Riba issue. The author explained the issue at length and provided all the proofs that indicate the falsehood of the forms of Riba which Dr. Ibrahim tried to make lawful. He made all kinds of Riba lawful except for one issue where the debtor has difficulty to repay the debt and agrees with the creditor to delay the payment and to incur a fixed interest. Undoubtedly, Dr. Ibrahim in his article has deviated from the truth and used weak suspicions when he tried to make all kinds of Riba, except in that issue, lawful. In his review, Dr. Muhammad pointed out that these suspicions are null and he managed to reveal their falsehood. May Allah reward him with the best and make him, us and all Muslims among those who support the truth!

Any person who ponders over the texts from the Book (the Qur'an) and authentic Sunnah knows well that all forms of Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment) which are used in the banks are Haram (prohibited). However, some retailers find no problem to deal in such usury-bearing transactions. Allah (Exalted be He) has threatened the usurers with the severest forms of threat where He (may He be Praised) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ And: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ It was authentically reported that the Prophet (peace be upon him): ﴾cursed the one who consumes Riba, the one who pays it, the one who writes it down, and the two who witness it. He said they are all the same.﴿

(Related by Muslim in his Sahih)

There is an abundance of Hadiths which warn against all types of Riba. Hence, it is incumbent upon every Muslim to shun away from and be aware of usury-bearing transactions. A Muslim They

should not be deceived by sinners who are heedless and make them lawful or are too lenient in their rulings on all kinds of Riba.

I ask Allah to guide all Muslims to whatever is good and enable them to understand their religion! I ask Allah to grant our brother Dr. Muhammad ibn Ahmad more useful knowledge, guide him to the good deeds and double his reward!

I finally ask Allah to guide Dr. Ibrahim ibn `Abdullah Al-Nasir to the truth and protect him from the evil of his soul for He is the Most Generous! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

`Abdul-`Aziz ibn `Abdullah ibn Baz

The General Chairman of

the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

(Part No. 19; Page No. 215)

A Response to the article of Dr. Ibrahim ibn `Abdullah Al-Nasir concerning the Stance of Islamic Shari`ah towards Banks

All praise be to Allah Alone, and peace and blessings be upon His Prophet and Messenger Muhammad, his family, Companions, and all those who follow their way and guidance until the Day of Recompense! To proceed:

I read the study prepared by Dr. Ibrahim ibn `Abdullah Al-Nasir entitled, "the Stance of Islamic Shari`ah towards Banks". I discovered that he tried to make lawful the Riba (usury/interest) which Allah (Exalted be He) prohibited, using devious ways, weak evidence and groundless claims. I thought that I should disclose the invalidity of the information of this research and its contradiction to what is established by the Qur'an, Sunnah and Ijma` (consensus of scholars) on the prohibition of usury-bearing transactions. Also, I considered that it is obligatory upon me and upon those like me to reveal the false evidence he depended on to make lawful Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). The writer excluded from that Riba what was known by the people of Jahiliyyah (pre-Islamic time of ignorance) when the creditor would say to the insolvent debtor when the time of repayment of the debt became due, "either you give me interest or repay your debts" for only this case from among the other cases of Riba is prohibited according to Dr. Ibrahim

(Part No. 19; Page No. 216)

while any other case is lawful. If one reflects upon this article he will easily disover this. If Allah wills, I will elaborate definitively on this issue to show what is right and to remove falsehood. Allah is the One Who is sought for help and in Him we put our trust, There is neither might nor power except with Allah! Here is the clarification of this issue.

First: Dr. Ibrahim said in the beginning of his study: "It can be said that there will be no Islamic power without economic power and this cannot be accomplished without the existence of banks. In addition, there will be no banks without interests."

We may say here that we can admit the first premise for Muslims everywhere are required to care for their economy using the ways enacted by Allah (Exalted be He) so that they can fulfill what Allah prescribed on them, avoid what He prohibited on them, set up a strong state in face of the enemy and avoid the evil schemes of their enemies. Allah (Exalted be He) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ ﴾O you who believe! Fulfil (your) obligations.﴿ ﴾O you who believe! When you contract a debt for a fixed period, write it down. Let a scribe write it down in justice between you. Let not the scribe refuse to write as Allâh has taught him, so let him write. Let him (the debtor) who incurs the liability dictate, and he must fear Allâh, his Lord, and diminish not anything of what he owes.﴿

(Part No. 19; Page No. 217)

until He (Glorified be He) says: ﴾save when it is a present trade which you carry out on the spot among yourselves, then there is no sin on you if you do not write it down. But take witnesses whenever you make a commercial contract. Let neither scribe nor witness suffer any harm﴿ Also, He (Exalted be He) says: ﴾O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent.﴿ ﴾And make ready against them all you can of power﴿ There are many other Ayahs (Qur'anic verses) to the same effect. All these verses convey the Allah's (Glorified be He) Guidance for His Servants to helping one another accomplish what benefits them in the matter of their religion, commanding them to cooperate in righteousness and piety as well as warning them against cooperation in doing sins and aggression. Allah commands His Servants in these verses to fulfill the obligations and use the lawful means when proving their rights. He (Exalted be He) warns us against consuming people's properties unjustly and in the meantime He commands Muslims to make ready for their enemy what they have of power. In this way, the the Islamic economy will be firmly established, the properties of the country are fully developed, the interests are rightly exchanged and and needs are accomplished as long as people make use of the means that Allah legislated for them. In many verses, Allah warned against lying, treachery, false witness, concealing the testimony of truth,

(Part No. 19; Page No. 218)

consuming people's unjustly and giving bribery to rulers to deal with unfairness. Allah (Exalted be He) glorified the matter of trust and ordered people to return the trusts back to their owners. Allah (Glorified be He) says: ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due﴿ ﴾Truly, We did offer Al-Amânah (the trust or moral responsibility or honesty and all the duties which Allâh has ordained) to the heavens and the earth, and the mountains, but they declined to bear it and were afraid of it (i.e. afraid of Allâh's Torment).﴿ Allah warned against breaching trusts in His Saying: ﴾O you who believe! Betray not Allâh and His Messenger, nor betray knowingly your Amânât (things entrusted to you, and all the duties which Allâh has ordained for you).﴿ In Surah Al-Mu'minun and Surah Al-Ma`arij, Allah describes His believing Servants as they keep trusts and covenants. Allah (Glorified be He) says in this respect: ﴾And those who keep their trusts and covenants.﴿ It is a fact that if Muslims faithfully abide by these teachings and guidance and sincerely advise each other having them, Allah sets right their conditions, bless their deeds and properties, help them fulfill their hopes and be safe from the intrigues of the enemies. Allah (Exalted be He) lays emphasis on these meanings where He says: ﴾O you who believe! Be afraid of Allâh, and be with those who are true (in words and deeds).﴿

(Part No. 19; Page No. 219)

﴾O you who believe! Stand out firmly for justice, as witnesses to Allâh, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allâh is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you avoid justice; and if you distort your witness or refuse to give it, verily, Allâh is Ever Well-Acquainted with what you do.﴿ ﴾O you who believe! Stand out firmly for Allâh as just witnesses; and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety; and fear Allâh. Verily, Allâh is Well-Acquainted with what you do.﴿ ﴾And make ready against them all you can of power﴿ ﴾O you who believe! Take your precautions﴿ There is a great number of Qur`anic verses to the same effect.

As for the second and the third premises in which he stated that "the economic power cannot be

accomplished without banks and that there will be no banks without interests," they are decisively invalid premises. The mentioned above legal evidence and the long period which Muslims passed from the time of Allah's Messenger to the establishment of banks lay emphasis on the falseness of these two evidence. Muslims' economy was established along the last centuries, more than thirteen centuries, without the existence of banks or usury-bearing interests. In addition, Muslims

possessed great wealth and their transactions were carried out and they gained many profits and money by the aid of the lawful transactions. Further, Allah granted Muslims, during their first era, victory over their enemy and they governed most of the globe and ruled people in accordance with Allah's Shar` (Law) without the existence of banks and usury-bearing interests. Undoubtedly, the correct is the opposite of what Dr. Ibrahim stated. This is because banks and interests are among the main causes that led to the division of Muslims, destruction of their economy, the existence of enmity and disunity among them except those whom Allah protected against that. This is due to the fact that the usury-bearing dealings results in bad blood and hostility cause destruction, remove blessings and call for punishments. Allah (may He be Exalted and Glorified) says: ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.)﴿ It is sufficient to know that the enmity that raises out of the multiplication of debts is caused by Riba (usury/interest) and what brings about of hostility along with unemployment, lack of useful projects and works when people who have money invest their money in Riba and abandon the useful projects in fields of industry, development and the like. Allah made lawful for people different kinds of dealings to make use of in exchanging benefits, increasing wealth and cooperating on what is helpful for the society, create jobs for the jobless and help the poor gain lawful sustenance and dispense with

Riba, beggary and all kinds of evil gaining. People who have money should invest it in lawful speculation, companies and factories to provide for people what they are in need of such as armies, clothes, vessels, blankets and other needed things. Also, they should embark upon cultivating lands and provide general benefits to the poor and others. It is known that usury-bearing banks are inconsistent with the proper economy and the general interest and they are among the greatest causes of demolition, unemployment, removing blessings, different punishments and bad results. We supplicate to Allah to protect Muslims against this and bestow upon them insight and adherence to right!

Second: Dr. Ibrahim said: "The function of the banking system in economy is almost similar to the function of the heart in the human body...etc."

We say to him that the matter is not like what you said for the banking system can accomplish what you referred to without a need to Riba just as Muslims did in the preceding ages and especially the first golden age when they established the most perfect economy without the existence of usury-bearing banks, as mentioned previously. Allah made their religion victorious and elevated His Word by them, conferred upon them blessings and wealth, brought for them from the land what suffices them and helped them in their fighting against their enemies. He (Glorified be He) protected them from

being in need to what He prohibited on them. The history of the Muslim World from the age of the Prophet (peace be upon him) to the era before establishing usury-bearing banks assure on this. Indeed, Muslim are stricken by destruction of economy when they deviate from the Shar` (Law) of

Allah, abandoned what He made obligatory upon them and when they swerve away from the guidelines that Allah legislated for them to be followed in their transactions. This is because punishments and disasters are the outcome of acts that contradict Allah's Shar` (Law). Allah (Exalted be He) says: ﴿And whatever of misfortune befalls you, it is because of what your hands have earned. And He pardons much. (See the Qur'ân Verse 35:45).﴾ ﴿And if the people of the towns had believed and had the Taqwâ (piety), certainly, We should have opened for them blessings from the heaven and the earth, but they belied (the Messengers). So We took them (with punishment) for what they used to earn (polytheism and crimes).﴾ ﴿And if only the people of the Scripture (Jews and Christians) had believed (in Muhammad صلى الله عليه وسلم) and warded off evil (sin, ascribing partners to Allâh) and had become Al-Muttaqûn (the pious - See V.2:2) We would indeed have expiated from them their sins and admitted them to Gardens of pleasure (in Paradise).﴾ ﴿And if only they had acted according to the Taurât (Torah), the Injeel (Gospel), and what has (now) been sent down to them from their Lord (the Qur'ân), they would surely have gotten provision from above them and from underneath their feet.﴾ ﴿And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴾ ﴿And He will provide him from (sources) he never could imagine. And whosoever puts his trust in Allâh, then He will suffice him.﴾ ﴿and whosoever fears Allâh and keeps his duty to Him, He will make his matter easy for him.﴾

Third: Dr. Ibrahim mentioned in this search that: "The question that had not been answered till now is that how do Muslim jurists view the economic phenomenon of interest and why they prohibit loan with interest?...etc.

The answer to this and the rest of his study is to say that all Muslim scholars have considered the matter of interest and concluded that it is prohibited according to the authentic Hadiths of Allah's Messenger (peace be upon him) that stated its prohibition. The Hadiths they relied on are many and clear-cut in this regard. They frankly and decisively stated that selling money for money with an increase, even if it is too small, is a kind of the prohibited Riba but the writer of the study we deal with now, may Allah guide him and shows him the right way, turned away from them and dealt with the general Ayahs (Qur`anic verses) of Riba mentioned in the Qur'an and did his best to confine Riba to one issue, namely when the debtor is insolvent and agrees with the creditor to delay him with determined interest. This issue is only what he regarded as Riba whereas other cases he deemed as lawful owing to the need of people to it and that

banks cannot work without it. He also claimed that this is necessary and the affairs of people cannot be carried out except with these usury-bearing dealings which banks use. Also, he attached to some general statements of Ibn Qudamah, Shaykh-ul-Islam Ibn Taymiyyah and Ibn Al-Qayyim (may Allah be merciful with them) concerning what they mentioned about interest and that the honorable Shari`ah (Islamic law) never stands in face of the interests that benefit Muslims without causing harm to anyone or contradicting the texts of Allah's Purified Shar` (law). However, all of this does not stand as evidence, simply because the benefits which those Imams and the like aimed at are the benefits in which there is no legal prohibition that prevents them and this applies to issues of Ijtihad (juristic effort to infer expert legal rulings) in which there is no legal text that elaborates on the ruling of Shari`ah concerning them. In the meantime, the authentic Hadiths of the Prophet clearly stated the prohibition of Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess) and Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). Some scholars mentioned that the prohibition of Riba Al-Fadl is included in prohibition of the means.

This is because there is not a mindful person who will buy something against another thing of the same kind with an increase and payment fulfills in the same session, but either of them is delayed or better in quality. Therefore, when some of the companions sold two Sa` (1 Sa` = 2.172 kg) of bad date for one Sa` of good date and told the Prophet (peace be upon him) about that, the Prophet said to him: ﴾Woe! it is in fact usury; do not do that...﴿

(Part No. 19; Page No. 225)

(Agreed upon by Al-Bukhari and Muslim) Also, it is recorded in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of Abu Sa`id Al-Khudry (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Do not sell gold for gold, except like for like, and do not increase one part over another part; and do not sell silver for silver except like for like, and do not increase one part over another part, and of these, (gold and silver), do not sell something present for something to be later delivered.﴿ Also, it is recorded in Sahih Muslim on the authority of `Ubadah ibn Al-Samit (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand.﴿ There are many Hadiths to the same effect in the Two Sahih books of Hadith and other books of Hadith. As for the Hadith of Usamah ibn Zayd (may Allah be pleased with him): ﴾Usury is but in delay.﴿ The Hadith, according to scholars, aims at Riba in general and does not cover all the cases of Riba due to the former two Hadiths and other

(Part No. 19; Page No. 226)

authentic Hadiths of similar meanings. It is known that the usury-bearing dealings include both Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment) and Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess). Therefore, both the depositor and the usurer require the punishment of both kinds of Riba. Being in need for money does absolve the one who pays the additional amount (interest) as the cause of prohibition in this case is not only interest but wrongness on the part of the insolvent by overburdening him with interest although he cannot afford repaying the original debt. Consequently, this transaction is more prohibited and sinful. This is because it is obligatory on the creditor in this case to respite the debtor and not to overburden him with what Allah prohibited of Riba. The claim of sharing the benefits of the usury-bearing dealing by both the creditor and the debtor does not legalize this act for the Lawgiver does not pay attention to this and prohibited it absolutely. Moreover, the Prophet (peace be upon him) prohibited it clearly in many Hadiths such as those mentioned previously. If taking the advantage of the interest on the part of the creditor makes it lawful, Allah would state this and elaborate on it in His Honorable Book or by His Honest Messenger (peace be upon him). Allah (Exalted be He) says in Surah Al-Nahl: ﴾And We have sent down to you the Book (the Qur'an) as an exposition of everything, a guidance, a mercy, and glad tidings for those who have submitted themselves (to Allâh as Muslims).﴿

(Part No. 19; Page No. 227)

It is reported in Sahih of Muslim on the authority of `Abdullah ibn `Amr ibn Al-`As (may Allah be pleased with them both) that the Prophet (peace be upon him) said: ﴾It was the duty of every Prophet that has gone before me to guide his followers to what he knew was good for them and warn them against what he knew was bad for them.﴿ It is known that our Prophet (peace be upon

him) is the best of Messengers and most perfect in conveying and clarifying the message. Hence, if dealing with fixed interest is permissible in case the creditor takes the advantage of it the Prophet would illustrate this for his Ummah (nation based on one creed) and clarify its ruling for them. However, the Prophet (peace be upon him) stated clearly in his Hadiths that it is prohibited, warned and threatened people against them. Besides, we knew from scholars that the authentic Sunnah explains the Qur'an and reveals what may be ambiguous from it. Allah (may He be Exalted and Glorified) says in Surah Al-Nahl:﴾ And We have also sent down unto you (O Muhammad صلى الله عليه و سلم) the Dhikr [reminder and the advice (i.e. the Qur'ân)], that you may explain clearly to men what is sent down to them, and that they may give thought.﴿ ﴾And We have not sent down the Book (the Qur'an) to you (O Muhammad صلى الله عليه و سلم), except that you may explain clearly unto them those things in which they differ, and (as) a guidance and a mercy for a folk who believe.﴿

There are many Ayahs (Qur`anic verses) to the same effect. As for what Dr. Ibrahim reported from Shaykh Rashid Rida regarding his legalization of Riba in saving funds is a mistake on the part of Shaykh Rashid Rida which he should not depend on it because the legal evidence stands against him and whomsoever wants to contradict legal texts

on the basis of his opinion or Ijtihad (juristic effort to infer expert legal rulings). There a fundamental rule states that Ijtihad or opinion is of no use in the existence of legal texts. However such opinions and Ijtihad may be effective and useful in matters where there is no legal text. Whoever is right, he will take double reward and whoever wrongs will take one reward provided that he is eligible for making Ijtihad and exerts the effort in searching for the truth. It is authentically reported that the Prophet (peace be upon him) said: ﴾When a judge gives a decision, having tried his best to decide correctly and is right, there are two rewards for him; and if he gave a judgment after having tried his best (to arrive at a correct decision) but erred, there is one reward for him.﴿ (Agreed upon by Al-Bukhari and Muslim from the Hadith narrated by `Amr ibn Al-`As (may Allah be pleased with him). Also, Muslim narrated in his Sahih (authentic book of Hadiths) on the authority of Abu Hurayrah (may Allah be pleased with him) a Hadith that bears the same meaning. As for the issues in which there are texts from the Qur'an or the Sunnah of the Prophet (peace be upon him), no one will be permitted to contradict what is indicated by this texts and contradict them. According to the Ijma` (consensus of Muslim scholars), a person is required to abide by the legal text and act in accordance with it. Allah is the One Who is sought for help! There is neither might nor power except with Allah!

Fourth: Dr. Ibrahim said at the end of his study what reads: "The abstract of the study after this clear comparison between Riba which is prohibited in the Glorious Qur'an and the banking transactions, it becomes clear for us that they totally differ from

usury-bearing transactions which the Glorious Qur'an warned us against. This is because they are new kinds of transaction that are do not abide in its ruling by the decisive texts mentioned in the Qur'an concerning the prohibition of Riba. Therefore, we should consider them from the side of people's permissible interests and needs following the example of the Prophet (peace be upon him) who allowed Salam sale (sale with advance payment) in spite of the fact that it includes selling something that is not existent and selling something which the seller does not possess which is originally forbidden by the Prophet (peace be upon him). In addition, scholars have unanimously agreed that Salam was permitted due to peoples need of it. Hence, Muslim scholars have relied upon Salam sale (sale with advance payment)

and the like of the allowed matters in permitting things that people's benefits cannot be carried out except by them.

We will say here that banking dealings do not differ from usury-bearing transactions that are clearly prohibited by the legal texts. Allah (Exalted be He) sent His Prophet (peace be upon him) to the Jinn and mankind and legislated for them the rulings that apply to his age and the following ages to the Day of Resurrection. Accordingly, new dealings should be dealt with like the older dealings if they are the same in the view of meaning while the difference in forms or designation is of no significance. Meanings and objectives are the basic points to be considered. Indeed, it is known that the objectives of people today are the same like the objectives of the earlier people even if forms and words are dissimilar. Undoubtedly, relying upon forms and designations in this concern in spite of

(Part No. 19; Page No. 230)

the sameness of meanings and objectives is an invalid comparison. The Prophet (peace be upon him) counted the saying of somebody who said on the day of Hunayn "Make for us Dhat Anwat as they have Dhat Anwat" as the saying of the Children of Israel to Musa (Moses): "Make for us a god as they have gods." The Prophet (peace be upon him) did not pay any attention to the difference of words due to the fact that the meaning is the same. Hence, Allah punished the Children of Israel when they spread fishnets on Friday while they were forbidden to fish on Saturdays. Allah did not absolve them from sin with this trick although they did not take their net unless in Sunday because the sameness of meaning, even though the manner is dissimilar. There are many examples in legal texts to this effect. It is authentically reported that the Prophet said: ﴾Do not commit (evil deeds) which the Jews committed, lest you regard the prohibited things as lawful with the meanest tricks.﴿ As for likening the banking transactions to Salam sale (sale with advance payment) it is a kind of fallacy and adherence to useless concepts. This is because allowing Salam sale is among the advantages of the perfect Islamic Shari`ah (law) and Allah allowed it due to the need of people to it and put for it stipulations that rule it out of the circle of prohibited dealings since the Salam is a contract for a defined commodity with descriptions that distinguish it and keep it away from unfamiliarity and Gharar (uncertainity) in return for a fixed time and immediate price. In addition, both the seller and the buyer share

(Part No. 19; Page No. 131)

the benefit resulting from this contract as the seller will use the price in bringing about his needs and the buyer will take the advantage of the object when the time of delivering it is due as he bought it against a price lesser than its price in the time of deliverance in most cases. Consequently, both of them gain benefits of Salam sale without harm, Gharar, unfamiliarity or Riba. On the contrary, the banking dealings contains certain increase which the Lawgiver stated its prohibition due to that it is nothing but selling some thing against another thing of the same kind in cash or by delay. Allah considered it from the most major sins and He has the absolute wisdom in this as well as His Servants have the great benefits and the good results such as being safe of accumulation of debts, forsaking useful projects and helpful works and replacing this with interests of Riba.

As for the claim of the writer that banking transactions are necessary needs for people and without which they could not live, this is a groundless claim since the benefits of people had been fulfilled along the last centuries before the fourteenth century and in the absence of banks and their needs or useful project did not suspend. Of course, interruption and suspension of benefits are the outcome of prohibited dealings and avoiding societal obligations such as offering advice, honesty, truthfulness and keeping away from all kinds of dealings that involve Riba, harm, treasury, cheating and the like. The reality of people everywhere in the world

(Part No. 19; Page No. 232)

is the best proof to what we mentioned earlier. It is a fact that there is no way to the creation of

public interest and realization of beneficial cooperation except through following the legal way based on truthfulness and honesty and shunning away from falsehood, treachery and every forbidden matter in the course of dealings. Allah (Exalted be He) says in His Noble Book: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due; and that when you judge between men, you judge with justice.﴿ ﴾O you who believe! Betray not Allâh and His Messenger, nor betray knowingly your Amânât (things entrusted to you, and all the duties which Allâh has ordained for you).﴿

﴾O you who believe! When you contract a debt for a fixed period, write it down. Let a scribe write it down in justice between you. Let not the scribe refuse to write as Allâh has taught him, so let him write. Let him (the debtor) who incurs the liability dictate, and he must fear Allâh, his Lord, and diminish not anything of what he owes.﴿ ﴾O you who believe! Keep your duty to Allâh and fear Him, and speak (always) the truth.﴿ ﴾He will direct you to do righteous good deeds and will forgive you your sins.﴿ The Prophet (peace be upon him) said: ﴾Both parties in a business transaction have the right to annul it as long as they have not separated; and if they speak the truth and make everything clear they will be blessed in their transaction;

(Part No. 19; Page No. 233)

but if they tell a lie and conceal anything, the blessing of their transaction will be wiped out.﴿ (Agreed upon by Al-Bukhari and Muslim) Also, it is reported on the authority of Abu Sa`id (may Allah be pleased with him) that Allah's Messenger (peace be upon him) said: ﴾Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like, payment being made hand to hand. He who made an addition to it, or asked for an addition, in fact dealt in usury. The receiver and the giver are equally guilty.﴿ (Related by Imam Ahmad and Al-Bukhari) It is reported on the authority of Jabir (may Allah be pleased with him) that he said: ﴾Allah's Messenger (peace be upon him) cursed the devourer of Riba, its payer, its scribe and its two witnesses. He said, 'They are all equal.'"﴿ (Related by Muslim) Also, it is narrated on the authority of `Umar ibn Al-Khattab (may Allah be pleased with him) that Allah's Messenger (peace be upon him) said: ﴾The selling of gold for gold is Riba (usury) except if it is handed from hand to hand and equal in amount. Similarly, the selling of wheat for wheat is Riba except if it is handed from hand to hand and equal in amount. Likewise, the selling of barley for barley, is Riba except if it is from hand to hand and equal in amount,

(Part No. 19; Page No. 234)

and dates for dates is usury except if it is from hand to hand and equal in amount.﴿ (Agreed upon by Al-Bukhari and Muslim) The Prophet (peace be upon him) said: ﴾"He who deceives is not of us (is not my follower)."﴿ (Related by Muslim) The Prophet (peace be upon him) said: ﴾Should I inform you out about the gravest major sins? We said: Yes, O Allah's Messenger! He said: To associate others in worship with Allah and to be undutiful to one's parents. The Prophet (peace be upon him) then sat up after he had been reclining (on a pillow) and said: And I warn you against giving a false statement or a false witness.﴿ (Agreed upon by Al-Bukhari and Muslim) There are many Hadiths to the same effect. Therefore, it is not permissible for anybody to legalize what Allah has prohibited by revealed text from Shari`ah by drawing Qiyas (analogy) between it and what has been legalized by a revealed text such as legalizing Riba, which is prohibited by Allah, by drawing Qiyas (analogy) between it and the lawful Salam sale. Whoever does so is committing a grievous sin, speaking on Allah without knowledge and opening a door to a great evil and wide corruption. According to the people of

knowledge, Qiyas is usable in secondary issues in which there is no

(Part No. 19; Page No. 235)

revealed text and meet the stipulations that annex the original ruling to the secondary case as it is known at its place. Allah (Exalted be He) has prohibited speaking in His Name without knowledge and considered it as a degree higher than the degree of Shirk (associating others with Allah in His Divinity or worship). Allah pointed out that Satan calls for it and orders with it just as he orders with illegal and abominable acts. Allah (Exalted be He) says: ﴿Say (O Muhammad صلى الله عليه وسلم): "(But) the things that my Lord has indeed forbidden are Al-Fawâhish (great evil sins and every kind of unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allâh for which He has given no authority, and saying things about Allâh of which you have no knowledge."﴾ ﴿O mankind! Eat of that which is lawful and good on the earth, and follow not the footsteps of Shaitan (Satan). Verily, he is to you an open enemy.﴾ ﴿He [Shaitân (Satan)] commands you only what is evil and Fahshâ (sinful), and that you should say against Allâh what you know not.﴾

We ask Allah to set right the conditions of all Muslims, grant them comprehension of religion and guide their scholars to illustrate what Allah obligated on them from the rulings of His Shar` (Law), call to His Religion and warn against what contradicts it! We supplicate to Allah to ward them off the evils of their souls and the evils of the callers of falsehood! May Allah guide Dr. Ibrahim to return back to right and repent from what he did and announce this in public so that Allah may accept his repentance! Allah (Exalted be He) says: ﴿And all of you beg Allâh to forgive you all, O believers, that you may be successful﴾

(Part No. 19; Page No. 236)

﴿Verily, those who conceal the clear proofs, evidence and the guidance, which We have sent down, after We have made it clear for the people in the Book, they are the ones cursed by Allâh and cursed by the cursers.﴾ ﴿Except those who repent and do righteous deeds, and openly declare (the truth which they concealed). These, I will accept their repentance. And I am the One Who accepts repentance, the Most Merciful.﴾

No doubt, the article of Dr. Ibrahim needs more detail than what I mentioned but I hope that what I clarified is more convincing to the seeker of right. Allah is the only One Whose Help is sought and He is Sufficient for us and the Best Disposer of Affairs (for us)! May peace and blessing be upon our Prophet Muhammad, his family and Companions!

General Chairman

of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance

135-

Obligation of avoiding

Riba-based money

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our respected brother, may Allah safeguard you. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

With reference to your Fatwa request registered with the Secretariat General of the Council of Senior Scholars under number (6009) on 28/08/1409 A.H., which reads: In 1406 A.H. a resolution was taken by His Highness the Minister of Commerce to establish the Saudi Pharmaceutical Industries & Medical Appliances Corporation. The corporation announced the immediate start of producing designs and conducting project studies and began to construct buildings that were planned to be completed by the end of 1409 A.H. This means that the corporation has not yet started manufacturing medicines. Nevertheless, it announced that it would distribute the profits, reaching more than 33 million Saudi riyals, made as a result of investing shareholders' money in banks.

I hear that most joint-stock companies make bank investments. Since I am a shareholder in this corporation and I hold many shares in several other companies, I feel deep worry about this matter.

I am keen to earn lawful money. Following up our telephone call in which Your Eminence expressed your desire to know the reality of the matter and encouraged me to send you a letter with the facts - may Allah reward you best for supporting Islam and Muslims - I am attaching a copy of the report of the concerned corporation. Also attached is a photocopy of Al-Jazeerah Newspaper, which published the details of the annual report of the said corporation. Could you tell me about the ruling on receiving such profits? Should I continue investing in such corporations or not?

I would like to inform you that the Permanent Committee for Scholarly Research and Ifta' studied your Fatwa request, letter, and all attachments and answered that you have to quit whatever is proven to have been gained through Riba (usury/interest). However, you may receive it then spend it on some charitable purposes, such as helping the poor, Mujahids (those striving/fighting in the Cause of Allah), and the like, to discharge your responsibility.

May Allah guide us all to that which pleases Him and help you to accomplish every good. As-salamu `alaykum warahmatullah wabarakatuh!

Chairman of the Departments of Scholarly

Ruling on studying Riba-based economics

Q 136: What is the ruling on studying Riba-based economics? Furthermore, what is the ruling on working in Riba-based Banks?

A: If the purpose of this study is to know the forms of Riba (usury/interest) and clarify Allah's ruling on them, it is permissible. However, studying Riba-based economics for any purpose other than that is not permissible. This is because it entails helping one another in sin and transgression while Allah (Glorified be He) says: ﴿Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴾

137- Ruling

on Riba-bearing bank dealings

All praise be to Allah Alone and peace and blessings be upon the last of all prophets and messengers; our Prophet Muhammad and his family and Companions and those who follow them rightly until the Day of Judgment.

I read the article published in Al-Sharq Al-Awsat Newspaper, issue of Wednesday 02/01/1416 A.H. regarding the statement of the Mufty (Islamic scholar qualified to issue legal opinions) of Egypt, Dr. Muhammad Sayyid Tantawy, that considered Riba(usury)-based interests Halal (lawful). Thus, I thought I should explain the ruling on that matter according to our purified Shar` (Islamic law), out of sincerity to Allah (Exalted be He) and His Servants and to fulfill the duty that Allah (Exalted be He) has made obligatory for scholars by saying: ﴿Verily, those who conceal the clear proofs, evidence and the guidance, which We have sent down, after We have made it clear for the people in the Book, they are the ones cursed by Allâh and cursed by the cursers.﴾ ﴿Except those who repent and do righteous deeds, and openly declare (the truth which they concealed).﴾ Allah (Glorified be He) also says: ﴿(And remember) when Allâh took a covenant from those who were given the Scripture (Jews and Christians) to make it (the news of the coming of Prophet Muhammad صلى الله عليه وسلم and the religious knowledge) known and clear to mankind, and not to hide it﴾

This last Ayah (Qur'anic verse) warns the Muslim Ummah (nation based on one creed) against imitating such actions of the People of the Book, for surely hiding religious knowledge is a dangerous act which entails disobeying Allah (Exalted be He) and His Messenger (peace be upon him) and opposing Allah (Glorified and Exalted be He) Who says: ﴿And let those who oppose the Messenger's (Muhammad صلى الله عليه وسلم) commandment (i.e. his Sunnah - legal ways, orders, acts of worship, statements) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them.﴾ Undoubtedly, declaring that Riba-bearing bank dealings are Halal is tantamount to considering Halal what Allah declares as Haram (prohibited). This is because, as it is a well-established matter, Riba is a major sin which is strictly prohibited in all its forms, types, and names both in the Qur'an and the Sunnah (whatever is reported from the Prophet). Allah (Exalted be He) says: ﴿O you who believe! Eat not Ribâ (usury) doubled and multiplied, but fear Allâh that you may be successful.﴾ ﴿And fear the Fire, which is prepared for the disbelievers.﴾ ﴿And obey Allâh and the Messenger (Muhammad صلى الله عليه وسلم) that you may obtain mercy.﴾ and: ﴿And that which you give in gift (to others), in order that it may increase (your wealth by expecting to get a better one in return) from other people's property, has no increase with Allâh﴾ Allah (Exalted be He) also says: ﴿Those

who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿

﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ and: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿

What a serious crime it is to wage war against Allah (Exalted be He) and His Messenger (peace be upon him)! May Allah protect us, Moreover, the Prophet (peace be upon him) said: ﴾Avoid the seven destructive sins. People enquired, 'O Allah's Messenger! What are they?' He said, 'To join others in worship along with Allah, to practice sorcery, to kill the life which Allah has forbidden except for a just cause (according to Islamic law), to eat up Riba, to eat up an orphan's wealth, to give back to the enemy and flee from the battlefield at the time of fighting, and to accuse chaste women, who never even think of anything touching chastity and are good believers.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) Also, it was related in the Sahih (authentic) Book of Hadith of Imam Muslim on the authority of Jabir (may Allah be pleased with him) who said: ﴾The Messenger of Allah (peace be upon him) has cursed the devourer (taker) of Riba, the one who pays it, its scribe, and its two witnesses. He said, 'They are all equal."﴿

Thus, the foregoing are some proofs from the Qur'an and the Sunnah that Riba is prohibited, indicating its danger to Muslim individuals as well as to the whole Ummah. Such proofs further indicate that whoever deals with Riba commits a major sin and is regarded as fighting Allah (Exalted be He) and His Messenger (peace be upon him). It may be worth mentioning that Al-Muwaffaq ibn Qudamah (may Allah be merciful with him) said in his book Al-Mughny: "All the Muslim Ummah agreed on the prohibition of Riba." In addition, Ibn Al-Mundhir said in his book Al-Ijma`: "Scholars agreed that when the lender stipulates that the borrower has to give them a gift or something more than what they borrow, whether with regard to quantity or quality, this is considered Riba." Accordingly, dealing with Riba-based banks, depositing money in them, or borrowing from them against an interest, are all considered forms of Riba that Allah (Glorified be He) and His Messenger (peace be upon them) have forbidden and that Muslims have to avoid.

We ask Allah to guide us, protect us against the deviating Fitnahs (temptations), help us to act according to the Qur'an and Sunnah, and apply the rulings of Shar` to all our private and public affairs. May Allah guide us and all Muslims to do all that which set aright the affairs of our Din (religion) and life in this world and to make us all avoid the way of those who earned His Anger and those who went astray. Verily, Allah is Capable of doing all that. On the other hand, my advice to the Eminent Mufty, Muhammad Sayyid Tantawy, is that he has to fear Allah (Exalted be He), reconsider what he wrote, and make Tawbah (repentance) to Allah for this mistake that he spoke of and wrote.

Undoubtedly, returning to the truth is Wajib (obligatory) and it is regarded as virtue and honor for whoever does so. It is better than persisting in error. I ask Allah (Exalted be He) to help the Eminent Mufty to return to the truth, and to make us, him, and all Muslims among those who are guided and guiding. Verily, Allah is All-Hearer, Ever Near. May peace and blessings be upon the best of Allah's creatures; our Prophet Muhammad and his family and all Companions!

Grand Mufty of the Kingdom of Saudi Arabia,

President of the Council of Senior Scholars

and Chairman of the Departments of Scholarly Research and Ifta'

`Abdul-`Aziz ibn `Abdullah ibn Baz

The Difference between Tawarruq Sale

and the two types of Riba: Riba Al-Fadl and Riba Al-Nasi'ah

Q 138: According to the definition of Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment), it is an excess for delay. To what extent does this transaction conform to the grain and cars debt system that is in effect now as a substitute for usury-fee loans? Please provide us with a Fatwa (legal opinion issued by a qualified scholar). May Allah reward you well! A: Riba (usury/interest) is the act of exchanging two objects of the same type, namely; Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess), such as exchanging one Sa` (1 Sa` = 2.172 kg) of something for two of the same type, or a Dirham for two, whether this takes place instantly or on a deferred basis. If this involves debt for debt, then it includes both types of Riba; Riba Al-Fadl and Riba Al-Nasi'ah. As for Tawarruq sale (selling by installments, then the purchaser selling the product to a third party for cash), it is not one of these types, for it involves buying a commodity on credit from a person then selling it in cash on the same day or after that to someone else.

The correct opinion is that it is permissible, according to the general evidence mentioned to this effect. Furthermore, it includes relieving, facilitating and meeting people's present need. As for selling an item to the person from whom it has been bought, this is not permissible, rather it is one of prohibited Riba- based transactions that is called the issue of 'Inah (sale with immediate cash repurchase for profit), for it is a form of delusion observed to deal with Riba. It is the exchange of similar items for excess amounts either on a deferred basis or in cash. However, there is nothing wrong with Tawarruq sale as previously mentioned, for a person tends to buy

a commodity such as foodstuff, a car, a piece of land or other items for cash money for a fixed term from one person, then he sells it to someone else for cash in order to meet their needs such as marriage and so on.

Ruling on Riba-based banks of today

Q 139: What is the ruling on Riba-based banks? What is the ruling on dealing with them? Also, what should be our attitude towards the crises that afflict many of our brothers in some Muslim countries?

A: With regard to Riba (usury/interest), the matter is clear. Its prohibition cannot be doubted for it is proven by the Noble Qur'an, the Sunnah (whatever is reported from the Prophet), and Ijma` (consensus of scholars). It is one of the gravest major sins and noted prohibitions. Allah (Glorified and Exalted be He) indicates this in His Noble Book stating: (Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury).) and:

(Part No. 19; Page No. 247)

(O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.) (And if you do not do it, then take a notice of war from Allâh and His Messenger) The Messenger (peace be upon him): (has cursed the devourer (i.e. taker) of Riba, its payer, its scribe and its two witnesses. He said, 'They are all equal.') (Related by Muslim in his Sahih (authentic) Book of Hadith) Muslims must then beware of Riba, not contribute to Riba-based banks, and not to deal with them. The fact that such banks exist does not render them Halal (lawful), for both good and evil exist but we have to do the former and abandon the latter. The existence of something is not a proof for its being lawful and people have to beware of evil. In conclusion, Riba is Haram (prohibited) and Muslims must be cautious of it, avoid it, and enjoin one another to do so. Perhaps, soon In sha'a-Allah (if Allah wills) all Riba-based banks will disappear from the Kingdom. It is worth mentioning that Custodian of the Two Holy Mosques agreed that Islamic banks are to be established, and hopefully Allah will make them sufficient and eventually Riba-based banks will no longer exist, In sha'a-Allah, in our country.

Benevolent people are, thus, keen to establish Islamic banks and contribute to them and all Muslims should

(Part No. 19; Page No. 348)

encourage this and appeal for the establishment of Islamic banks, so that they will increase and replace ordinary banks soon In sha'a-Allah.

Regarding our Muslim brothers everywhere, such as Algeria, the Philippines, Afghanistan, Bosnia and Herzegovina, etc., we must offer Du`a' (supplication) for them that Allah may guide them, grant them a sound understanding of Deen (Islam), unify them to attain every good, make them victorious over their enemies, and guide the authorities of all Muslim countries and help them to support the truth.

It is prescribed for Muslims to offer Du`a' for their brothers around the world as its benefit is so great. A Muslim should offer Du`a' for their brothers in the Philippines, Algeria, as well as in Tunisia,

Morocco, Afghanistan, Bosnia and Herzegovina, and everywhere else. A Muslim must also make Du`a' for Muslims in their own country. Muslims are to supplicate to Allah for all Muslims that He may grant them success; set aright their affairs; help them to attain every good; unify them on truth and guidance; protect them against the evils of their rulers; help them to spread the truth and call to His Way while having clear insight; protect them against ways that take people away from the truth; and guide them to follow good and valid ways that help them make truth prevail, call to it, accept it, and be content with it.

Ruling on buying shares in Riba-based companies

Q 140: What is the ruling on holding shares in some companies, such as Makkah Construction & Development Co. and Qasim Agriculture Co.? Do these companies deal with Riba (usury/interest) as some people claim?

A: Regarding Taiba Co., Makkah Co. and other companies, I do not know of anything that prevents shareholding in these companies. However, it has come to my knowledge that many companies deal with Riba-based banks. Thus, I advise these companies to abandon such dealings or to invest their monies through Shar`i (Islamically lawful) ways, not Riba. The companies that deal with Riba should be avoided and no one should cooperate with them. Whoever knows the amount of Riba they have earned must give in charity to the poor an equivalent amount, be it 10%, 20%, or more or less, in order to be on the safe side.

Every company should fear Allah and beware of Riba in all of its transactions. Allah (Glorified and Exalted be He) prohibits Riba and deprives it of blessing. Allah (Glorified be He) says: (whereas Allâh has permitted trading and forbidden Ribâ (usury).) and (Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.))

Riba is devoid of blessing, hence it must be avoided. All companies: Makkah Co., Madinah Co. and Qasim Co. and any other company should fear Allah. Directors and officials should strictly conduct their dealings and transactions in accordance with Shari`ah (Islamic law) and refer the disputable matters to scholars for clarity. They should undertake only lawful transactions, whether they are cash or on credit. They can buy goods and sell them for deferred payment or buy and sell currencies in hand to hand transactions for a profit; provided that they are different for it is not permissible to sell a currency for a currency except hand to hand and like for like. If a currency is sold for a different currency, such as selling riyals for dollars or pound sterling, the sale is permissible hand to hand even if there is an excess in one of the counter-values. There are so many Shar`i transactions, praise be to Allah, so people are not in need of Riba. It is only Satan who seduces them and makes the quick profits gained from Riba fair in their eyes. May Allah save us and all Muslims from whatever displeases Him!

Ruling on receiving salaries from Riba-based banks

Q 141: What is your opinion on receiving salaries from Riba-based banks?

A: There is nothing wrong with receiving salaries from banks, for an employee does not deposit it for Riba (usury/interest); it is only that the officials keep it in banks till the employees receive their respective salaries. The same ruling applies on the money being transferred via banks because there is a need for this. What is prohibited is to deal or stipulate Riba. As for keeping the money in the bank out of necessity because there is no other safe place one can keep money, or for any other reason without dealing in Riba or transferring money via the bank, there is nothing wrong with this In sha'a-Allah (if Allah wills). However, if the State can put salaries in a place other than banks, it is much better and safer.

The ruling on selling food for another of the same type in excess

Q 142: Wheat crops are cultivated in abundance in our country, but there is currency shortage. We, therefore, use the grain in trading instead of currency. At seeding time, we buy one

(Part No. 19; Page No. 252)

Sa` (1 Sa` = 2.172 kg) for one Riyal. However, at the time of harvest, we deliver them two Sa`s for each Riyal because the price at harvest is less than that at seeding time. Is this transaction lawful?

A: This kind of transaction is a subject of disagreement among the scholars. The majority are of the view that it is not permissible because it is a way to sell wheat and the like for another of the same type in conditional excess for delay of payment. This is the essence of Riba as it involves two kinds of Riba: Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment) and Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess). On the other hand, some scholars held that this transaction is permissible provided the buyer and seller do not work in collusion. They should, upon contracting, not stipulate that the wheat is to be exchanged for currency. This is the view of the people of knowledge in this respect. Yet, your way of dealing suggests that you planned to deliver a larger quantity of cereal for a lesser quantity because of the currency shortage. This way is not permissible. To be safer and avoid dealing in Riba, farmers must sell their grains in cash to a third party other than the merchants who purchased the seeds.

(Part No. 19; Page No. 253)

If the farmers agree with the merchants to buy from them using currency, the farmers are unable to make the payment except through exchanging the value of the sale with grains. The most correct opinion is that it is permissible provided they do not work in collusion, or stipulate any condition beforehand. This is the view held by some scholars especially when the farmers are needy. The merchants fear that their rights will be lost if they do not take the quantity of cereals which is equivalent to the liabilities the farmers have. The poor farmers may use the grain to fulfill their needs or repay another creditor and the merchants lose their rights. It should be noted that it is impermissible for the farmers and merchants to plan to exchange, after the harvest, the currency with grains. The grains which are delivered to the merchants should be equal to what the farmers take; the merchants should not take more or consider it as a loan. The sale becomes Haram if they planned to take more.

The ruling on selling food for food on credit

Q 143: Is it permissible to sell nonfood stuff for foodstuff in deferment, such as selling cloth for wheat, etc.?

A: This is permissible according to the most correct opinion of the scholars and as stated in many evidences, including the generality of proofs indicating the permissibility of sales and loans.

(Part No. 19; Page No. 254)

It was authentically reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of `Aisha (may Allah be pleased with her) that ﴾The Prophet (peace be upon him) bought some foodstuff from a Jew on credit and mortgaged his iron armor to him.﴿ There is also Salam sale (sale with advance payment). The Prophet (peace be upon him) came to to Madinah where people used to pay in advance the price of fruits to be delivered within one or two years. He (peace be upon him) said: ﴾Whoever pays money in advance, should pay it for a known, specified weight and measure with a fixed date.﴿ He (peace be upon him) did not stipulate that the price should be paid in cash, which indicates that it is permissible to pay a measurable or weighable amount of food for an animal, piece of cloth or wool, the delivery of which is deferred for a stipulated period, provided that it is specified and meets the other conditions. Allah knows best.

Ruling on depositing a certain sum of money into a bank or other institution

in order to receive

a fixed profit monthly or annually

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions!

More than one person have asked me about this transaction which is common to many; i.e. some of them deposit a certain amount of money into banks or other institutions as credit or in order for the bank to use the money in trade on condition that they receive a fixed profit monthly or annually. For example, one may deposit ten thousand Riyals or more or less, provided that the institution pays one hundred Riyals or more or less every month or every year. There is no doubt that this is one of the issues of Riba (usury/interest) that is prohibited by legal texts and Ijma` (consensus of Muslim scholars). There are many Ayahs (Qur`anic verses) and Hadiths from the Prophet (peace be upon

him) prove that consuming usury is a major sin and a crime for which Allah (Exalted be He) threatened its doers with Fire and Curse. Allah (may He be Praised) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿

Allah (Exalted be He) also says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿

These Noble Ayahs contain clear evidence that usury is emphatically forbidden and that it is one of the sins which incur the Fire to the dealers with Riba. They also indicate that Allah (may He be Praised) destroys the profits usurers gain whereas He will increase Sadaqat (deeds of charity, alms, etc.), i.e., He will increase and make them grow so that a little will be a lot if it is obtained through lawful means. The last Ayah states clearly that the usurer fights against Allah and His Messenger and that it is obligatory upon him to repent to Allah (may He be Praised) and to take his capital only with no increase. It was authentically reported that the Messenger of Allah (peace be upon him): ﴾cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He said, "They are all equal."﴿ Thus, every Muslim must fear Allah (may He be Praised), know that He observes him in all matters, and beware of what Allah has prohibited in words, deeds and evil gains; out of which the most dangerous are those of

Riba (usury/interest) against which Allah has warned and of which Muslims must recommend one another to abandon it. In his book entitled Al-Mughny, Abu Muhammad `Abdullah ibn Ahmad ibn Qudamah (may Allah be merciful with him) reported from Al-Hafidh ibn Al-Mundhir that Muslim scholars have unanimously agreed upon the prohibition of this kind of transactions. This should suffice the seeker of truth to be persuaded. May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and Companions!

President of the Islamic University in Al-Madinah Al-Munawarah

`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 19; Page No. 258)

It is obligatory to work on

finding alternatives to usury-based banks

Q 145: Could you please give us a Fatwa regarding Riba-based transactions?

A: With regard to Riba (usury/interest), the matter is obvious. Its prohibition is proven by the Noble Qur'an, the Sunnah, and the Ijma` (consensus of Muslim scholars). It is one of the gravest major sins and known prohibitions. Allah (Exalted be He) points this out in His Glorious Book, where He (Glorified and Exalted be He) says: (Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury).) Allah (Glorified and Exalted be He) also says: (O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.) (And if you do not do it, then take a notice of war from Allâh and His Messenger) The Messenger (peace be upon him): ("cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He said, "They are all equal.")

(Part No. 19; Page No. 259)

Muslims must be aware of Riba (usury/interest) and must abstain from putting money in any of the usury-based banks either inside or outside the country. Rather, Muslims should be aware of them, not contribute to them, and not deal with them. Their existence does not make them lawful. Good exists and likewise evil, but the first is lawful while the second is unlawful. The existence of something is not evidence for its being lawful. Rather, one should be aware and if such things exist, then one should be very alert so that one can overcome such a current sin.

In conclusion, Riba (usury/interest) is one of the prohibitions which one should be aware of, shun away from, and Muslims should advise one another of the obligation of abandoning it. Soon such phenomenon will perish, in sha'a-Allah (if Allah wills), by Allah's Might.

It can be concluded that my philanthropic brothers are keen to found and contribute to the Islamic banks. All Muslims should be courageous enough in this regard and should be keen to establishing Islamic banks in order that they increase and become sufficient for Muslims, praise be to Allah. We should do away with these usury-based banks which will perish soon, in sha'a-Allah (if Allah wills).

146- Disposing of Riba-based money

Your Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah safeguard you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Your Eminence, I have a problem on which I wish to know the ruling. About twenty years ago, my father lent a sum of (2000) riyals to two of his friends; each of them borrowed (1000) riyals. Each of the two men was to repay the sum after one year with an increase estimated at (500) riyals. Being poor, my father saved this money after exerting effort and diligence. Later, my father died before being paid back his money and the sum was given to my mother. One of the two men repaid the sum without increase, whereas the other repaid it with the Riba (usury/interest) increase. This happened when I was still young and I could not instruct my mother that this work is unlawful. Since that time, I have suffered due to fearing for my father's deed. It should be noted that my father was illiterate and I do not know whether he knew that this action is unlawful or not. I ask Allah then your Eminence to guide me to what I can do to expiate for my father's sin and also to what I should do regarding the Riba my mother took when the man repaid the debt. Perhaps she knew it was Riba,

but she is also illiterate. Please guide me to what I should do as soon as possible. May Allah reward you with all that is best!

A: As-salamu `alaykum warahmatullah wabarakatuh

You should return the increase of (500) riyals to its owner because it is Riba. You should supplicate to Allah to grant your father forgiveness and pardon. May Allah bless you!

As-salamu `alaykum warahmatullah wabarakatuh

The Grand Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

147- The obligation of disposing of Riba-based money if its owner is not known

His Eminence, the General Mufty of the Kingdom of Saudi Arabia, Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah safe you!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) to proceed:

I had previously sent Your Eminence a letter in Ramadan inquiring about a sum of money that amounts (500) Riyals, which my father (may Allah be merciful with him) borrowed with interest from a friend of his. Your Eminence then replied that I should return the money to its owner, but I failed to find him. Is it permissible for me to deposit this sum for the poor, to place it in a fund for example? Can I pay it to one of my needy relatives? Please advise me, may Allah reward you with the best!

A: Wa `alaikum As-salamu warahmatullah wabarakatuh! To proceed:

You should pay the (500) Riyals to the poor if you do not know its real owner, his address or anyone who might possibly know him.

The General Mufty of the Kingdom

`Abdul-`Aziz ibn `Abdullah ibn Baz

Ruling on dealing in Riba without knowledge

Q 148: A woman lent one thousand riyals to someone who was to repay one thousand and three hundred riyals. She was unaware that this act involves Riba (usury/interest). What should she do?

A: Undoubtedly, this act involves Riba. There is no harm if she did so before knowing the ruling on this act as Allah (Glorified and Exalted be He) states in His Noble Book: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ Allah informs us that there is no harm if the usurer stops dealing in Riba and offers Tawbah (repentance) when advised with the truth and accepts admonition. Whoever returns to this act, however, will abide in the Fire forever. Thus, any person who knows the ruling on dealing in Riba must shun and beware of it. Every believing person is obliged to ask about matters they do not know about and to understand Islam lest one commit what Allah has forbidden. The Prophet (peace be upon him) said: ﴾If Allah favors a person, He blesses them to comprehend religion.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) This indicates

that if a person understands, learns, and has insight into the teachings of Islam, they should know that Allah has favored them with goodness. If a person continues in ignorance and gives up lawful acts, they should know that Allah has not favored them (may Allah protect us). It was authentically reported that the Prophet (peace be upon him) said: ﴾Whoever sets out on a road in search of knowledge, Allah will cause them to travel on one of the roads of Paradise.﴿ Seeking knowledge is one of the most important and greatest obligations. Together with performing Tawbah, this woman must give the three hundred riyals she received from the Riba-based dealing in charity. Allah (Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ We ask Allah to grant all Muslims guidance and success!

The poor are among one of the categories

entitled to receive Zakah from money which has no defined owner

Q 149: His Eminence the knowledgeable Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, the General Mufty of the Kingdom of Saudi Arabia and President of the Council of Senior Scholars, may Allah keep and safeguard you!

(Part No. 19; Page No. 265)

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I hope that you will promptly answer my question as my work depends on your reply.

I am the trustee over one third of an inheritance that is to be allocated as a Sadaqah Jariyah (ongoing charity). However, the government seized the inheritance in one of the banks of the Kingdom for four years. Accordingly, interest has accrued on this sum designated for distribution.

My question is about this interest; since it has become one of the rights having no defined owner, due to the impossibility of knowing its rightful owner. Some scholars view that this money should be spent for the public welfare of Muslims, and this is a very strong opinion. Others hold that it should be given to the poor, but this opinion is less beneficial than the previous one. On the other hand, leaving it to the bank helps it to use the money in Riba (usury/interest)-based transactions, which is a impermissible grievous sin. Also, former employees of the deceased were accustomed to receiving an annual bonus, but the heirs stopped giving them anything after he passed. Is it permissible for me to pay them their bonuses from this interest?

(Part No. 19; Page No. 266)

I hope that you will provide me with a decisive reply as soon as possible, may Allah reward you well! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: Wa `alaikum as-salamu warahmatullah wabarakatuh! To proceed: We recommend you to take the interest and spend it on charitible causes, fulfill the deceased's bequest if it is a legal one and does not include anything that contradicts with the Shari`ah (Islamic law), and you will be rewarded by Allah for this. If the heirs are poor, it is permissible to help them from the interest without telling them; for the poor are one of the categories of recipients of Zakah (obligatory charity) paid from money that has no legal or defined owner. May Allah reward success to all! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

The General Mufty of the Kingdom of Saudi Arabia

Spending unlawful earnings

for the benefit of Muslims

Q 150: I bought some shares in a bank a year ago. Afterwards, I regretted doing so and thus I sold them, but I had already earned some profits. What shall I do with the profits earned and the capital which I contributed? May Allah protect you!

A: Before offering Tawbah (repentance to Allah), you should spend the profit for the benefit of the poor, Masakin (needy) and other projects which serve Muslims, such as constructing roads, toilets, and the like. Since this is unlawfully earned money, it should be spent in a manner which benefits Muslims, Allah (Glorified be He) says in Surah Al-Baqarah: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ and: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ May Allah grant us success!

Disposing of Riba-based interests

Q 151: I withdraw money I deposited in a bank for over one year and earned interest on this money. Is it permissible to give the interest in charity, or shall I leave it to the bank? What should we do with the interest we get from banks?

A: If the money, regardless of being deposited in the bank or not, reaches the Nisab (the minimum amount on which Zakah is due), you have to pay Zakah on it when a full year passes. With regard to the interest given by the bank, give it all away to charitable causes, such as helping the poor and insolvent debtors and contributing to restoring bathrooms in Masjids (mosques). You should neither use it for your own expenses, nor leave it to the bank. Along with that, you must perform Tawbah (repentance) from this major sin. It is not permissible to deal with Riba-based banks or deal in Riba (interest/usury) as Allah (Glorified be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever

returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.) (Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.) and: (O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.) (And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).)

(Part No. 19; Page No. 269)

These noble Ayahs (Qur'anic verses) stress the severe prohibition of Riba and show that it is one of the major sins. Whoever persists in dealing in Riba and deems it lawful will abide in the Fire forever (may Allah safeguard us), just as the case with Kafirs (disbelievers).

If one believes that this act is Haram (prohibited) but does not give it up, this case incurs the fulfillment of the threat of the Fire without eternally abiding therein as stated by the Salaf (righteous predecessors), who oppose the Khawarij (separatist group that believes committing a major sin amounts to disbelief) and Mu`tazilah (a deviant Islamic sect claiming that those who commit major sins are in a state between belief and disbelief). Similarly, one who commits suicide, premeditatedly murders someone, or commits Zina (premarital sexual intercourse and/or adultery) will not abide in the Fire forever. But whoever deems these acts lawful becomes Kafir and will abide therein forever.

On the other hand, if they do not deem these acts lawful, but do them because of desire or Satan's temptations, they will remain in the Fire temporarily not eternally like the Kafir. It should be noted that abiding in the Fire is of two kinds: abiding eternally and abiding temporarily. The eternal one applies to Kafirs while the temporary one applies to sinners. Due to the lack of knowledge of the difference between these two kinds,

(Part No. 19; Page No. 270)

Khawarij and Mu`tazilah committed a great sin and corrupted their belief. They treat the sinners as Kafirs concerning the punishment of abiding in the Fire. They are of the view that both sinners and Kafirs will eternally abide in the Fire. Ahl-ul-Sunnah wal-Jama`ah (those adhering to the Sunnah and the Muslim main body) refuted their view and pointed out the falsehood of their belief using solid evidence from the Qur'an, Sunnah (whatever is reported from the Prophet), and opinions of the Salaf. It was authentically reported that Allah's Messenger (peace be upon him) (has cursed the devourer (i.e. taker) of Riba, the one who pays it, its scribe, and its two witnesses. He (the Prophet) said, "They are all equal.") (Related by Muslim in his Sahih (authentic) Book of Hadith on the authority of Abu Juhayfah (may Allah be pleased with him)) The Prophet (peace be upon him) has also (cursed the devourer of Riba and its payer; the woman who tattoos and the woman who has herself tattooed, and the Musawwir (one who makes pictures and statues, or photographs of living beings).)

Every Muslim is obliged to beware of Riba-based transactions and of cooperating with usurers. Allah (Glorified be He) says: (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.) We ask Allah to guide us and all Muslims to do that which pleases Him and protect us from the means leading to His Wrath, for He is the Best One asked for help.

It is not permissible for the heirs to take

the usurious increase on the money of their deceased persons

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear respected brother from the Arab Republic of Egypt, governorate of Al-Daqahliyyah, Al-Matariyyah district, may Allah grant him success! As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

In a response to your letter wherein you ask about the money deposited in a bank for you after your father's death, I want to inform you that there is no harm in taking the capital that was deposited by your father in the bank. It is to be distributed among you and the rest of the heirs. However, if there are other instructions given by the state in this regard, then you must follow them. As for Riba (usury/interest), it should be spent on charitable causes, such as giving charity to the poor and similar activities. Neither you, nor any of the heirs is allowed to take and consume it. Attached are some books: a copy of the book entitled "Al-Aqidah Al-Wasitiyyah" (The Moderate Creed), Fath-ul-Majid, Lam`at Al-I`tiqad, Thalathat Al-`Usul, a copy of the first and second parts of the Fatawa

issued by us, and a copy of Sharh Al-`Aqidah Al-Tahawiyyah of Ibn Abu Al-`Izz. All of these books are beneficial. May Allah guide us all to useful knowledge and to work accordingly! May He guide us all to good deeds which draw us closer to pleasing Allah and to gain His Mercy! As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

General Chairman of the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

Expiating for the sin of a deceased person who dealt in Riba

Q: A relative of mine who dealt in Riba (usury/interest) passed away. Now we want to expiate for his sin. What is the legal Islamic way for doing this?

A: The heirs are permitted to examine exactly the amount he obtained from Riba (usury/interest) and spend it in charity on his behalf. They should supplicate to Allah to grant him forgiveness and pardon. We pray Allah to pardon us and him and all Muslims!

One must get rid of usurious money through giving it to the poor and the needy

Q: 154: There are usury-based banks in our country, and for the past five years I have put the interest aside and have not approached it. Is it permissible for me, Your Eminence Shaykh, to use this money in buying a flat for a needy person? If this is not permissible, what should I do with it?

(Part No. 19; Page No. 274)

A: Riba (usury/interest) is one of the most abominable prohibitions. Allah (Glorified and Exalted be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ Allah (Exalted be He) also says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ Accordingly, Riba (usury/interest) is an abominable sin and one of the most abominable major sins. If you know that you have obtained any usurious money, then it is obligatory upon you to get rid of it through giving it to the poor and the needy, or through donating it in some charitable projects, such as founding public toilets, paving roads, building walls around graveyards, and other projects which people need, without taking any of it. If you were ignorant of the ruling and learned about it later, then you will not be punished for the past. Allah (Exalted be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ If you were involved in any form of usury while you did not know the ruling, and then Allah guided you, you shall not be punished for the past.

A Chapter on Salam sale

155- It is not permissible to pay in advance for unspecified item

His Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, **may Allah protect you!**

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

What is the ruling on the following transaction: The seller says to the buyer in this way: "I will sell you a white Datsun pickup truck, model 69." bearing in mind that this model has not reached the country yet and its technical specifications are still unknown. Then the buyer pays him fifty thousand Riyals which is less than the original price which provides liquidity for the seller. Is this transaction permissible? May Allah reward you with the best and lead you to the right path! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: As-salamu `alaikum warahmatullah wabarakatuh!

If the model in question is unknown and has not been launched in the market, it is not permissible to pay in advance for the pickup truck, because it is a condition for a Salam sale (sale with advance payment) that the object of sale be known to the buyer and available on the market at the time and place of delivery. The pickup truck in question does not meet these conditions. As-salamu `alaikum warahmatullah wabarakatuh!

General Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 156: What is the liability to deliver a specified object at a specified term?

A: This is a Salam sale (sale with advance payment) which is permissible if the object of sale is known and is to be delivered at a specified time. But if the seller says: "I will sell you what is in the womb of this she-camel on this day or in the following year," this is not permissible. As for the goods in the liability of the seller, they should be brought by him. For example, if he said: "I will sell you one hundred Sa` (1 Sa` = 2.172 kg) of such and such," this is permissible. But if he says: "I will sell you the fruits of this palm-tree," this is not permissible.

Q: If someone contracts a fisherman to bring him a specific weight of a specific kind of fish, such as twenty kilos of mackerel, is this permissible? A: If the deal is made for a determined term, during which the fisherman gives him the mackerel fish he catches, then there is no harm in doing so. But to specify a certain fish in the water that the fisher has not caught yet, this is not permissible, for this is a sort of Gharar sale (uncertain sale).

(Part No. 19; Page No. 278)

(Part No. 19; Page No. 279)

Chapter on Loans

(Part No. 19; Page No. 280)

(Part No. 19; Page No. 281)

158- It is obligatory to return the Dinars

you borrowed and not to exchange them for any other currency

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear respected brother the questioner, may Allah grant him success!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

In reference to your Fatwa request submitted to the General Secretary of the Council of Senior Scholars, No. (6862), dated 26/10/1409 A.H., wherein you wrote: I borrowed a sum of one hundred Jordanian Dinars to send to my family in Egypt. I exchanged some of the money for two hundred Dollars. The remainder was approximately six Dinars and four hundred Fils. After sending the sum to my family, the value of Dollar increased to reach (650) Fils instead of (465) Fils at the time of borrowing the sum. Being aware of the ongoing increase in the exchange rate of the Dollar, the brother said: "I will only accept (200) dollars." He did not accept to take the sum

in Dinars as I borrowed it from him, knowing that this was not a condition when I borrowed the money. I told him that this would be a usury-bearing dealing that may lead us to disobeying Allah (Exalted be He). He paid no attention to what I said and insisted that had he exchanged the sum at the time, he would have received (200) Dollars. I asked some of the brothers who are students of knowledge and they advised me not to give him back the sum in Dollars and that I should give it back in Dinars as I took it in Dinars. One of them even said that if he does not respond to the Words of Allah (Glorified and Exalted be He), then he should go to the court. It should be known that this brother traveled to Egypt, where he is waiting to be given back the sum in Dollars. What adds to the complexity of the problem is that if I repay him in Dinars the exchange rate of the Dinar in Egypt varies from its rate here. Should I repay him the sum in Egyptian pounds according to the exchange rate of the Dinar at the time...?

I want to inform you that you should repay the sum in Dinars as you borrowed them. You should not exchange it for Egyptian pounds or Dollars as long as repaying the loan in Dinars is possible and is in circulation. However, if you agreed with your companion at the time of borrowing the money to repay him in another currency equal to the value of the Dinars at the time of lending, then there is no harm in this according to what was authentically reported from ❪the Hadith of Ibn `Umar (may Allah be pleased with both of them) who said: I said, O Messenger of Allah! I used to sell camels at al-Baqi`. I sell (them) for dinars and take dirhams and I sell for dirhams and take dinars. I take these for these, and give these for these. The Messenger of Allah (peace be upon him) then said: There is no harm in taking them

at the current rate so long as you do not separate leaving something to be settled.❫ (Related by the Five Compilers of Hadith (Imams Ahmad, Abu Dawud, Al-Tirmidhi, Al-Nasa'i and Ibn Majah). Al-Hakim deemed it to be Sahih (authentic) Hadith.

General Chairman of the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

It is not permissible to take usury-based loans even if the objective is good

Q: Is it permissible to take loans from Riba-based banks to save Muslims from Christianization, etc?

A: It is not permissible to take usury-based loans according to the consensus of the Salaf (righteous predecessors) because evidence from the Qur'an and the Sunnah prove that this is unlawful. This is not permissible even if the purpose is good and noble, because noble objectives neither justify unlawful means nor render them lawful. However, there is no harm in borrowing from such banks without interest. But it is better and safer to borrow from others than these usury-based ones, i.e. from people whose moneys are pure, if it is possible.

We advise you to cooperate and borrow money and collect donations from the good Muslim merchants to save the young Muslims from the preachers of Christianity, paganism, and Communism. This cooperation is obligatory upon all Muslims in the state of Uganda, or in any other state. This act is considered as form of legal Jihad (fighting/striving in the Cause of Allah), call to Allah (may He be Praised), and enjoining what is good

and forbidding what is evil. May Allah grant you help, success, and upright intentions and deeds! We advise your Muslim brothers in Uganda to cooperate with you in your great work to spread Islam and Da`wah (calling to Islam) in the mosques and in other places, and in opening Islamic schools wherein students learn and memorize the Noble Qur'an and learn the sound creed of Islam which devoid from interpolations of Shirk (associating others with Allah in His Divinity or worship) and Bid`ah (innovation in religion). This is in addition to learning them the sciences of Shari`ah (Islamic law).

May Allah facilitate your endeavor, bless your efforts, give victory to the truth at your hands, increase your supporters in good, and save you and all Muslims from the evil of the callers to falsehood, for He is the Most Generous! As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

It is not Permissible to cooperate in recording a Riba-based Loan

Q: I am an accountant in a commercial company, and this company is compelled to take Riba-based loans from the bank. I get a copy of the loan contract to prove what the company owes. Am I regarded as recording a Riba-based transaction and thus should not work at this company? In other words, am I regarded as a sinner just because I keep a record of the contract without being involved in it. Please, answer me, may Allah reward you with the best!

A: It is not permissible to cooperate with the company mentioned regarding Riba-based transactions,

(Part No. 19; Page No. 286)

because the Prophet (peace be upon him): ("cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He said, "They are all equal.") (Reported by Muslim) This act is not permissible too on account of the general meaning of the Allah's (Exalted be He) Saying: (but do not help one another in sin and transgression.)

Ruling on borrowing from one whose wealth is Haram

Q 161: Is it permissible to borrow money from a person who is known to deal in Haram (prohibited) items and to be engaged in Haram actions?

A: You should not borrow from this person or have any dealings with him so long as he is involved in Haram things or is known for Haram dealings, whether that is Riba (usury/interest) or anything else. You should not deal with him or borrow from him, rather you should avoid that and keep away from it. But if he deals with Haram and Halal (lawful) things, i.e., his dealings are a combination of good and bad, there is nothing wrong with it, but it is better not to, because the Prophet (peace be upon him) said: ﴾Leave that which makes you doubt for that which does not make you doubt.﴿

(Part No. 19; Page No. 287)

And: ﴾Anyone who guards himself against doubtful matters saves his religion and his honor.﴿ And: ﴾Sin is that which is abrasive to the soul, and that you do not like people to know about.﴿

A believer must avoid doubtful matters. If you know that all his dealings are Haram and that he trades in Haram things, then you must not deal with such a person or borrow from him.

Ruling on a debtor who does not know the creditor's address

Q 162: Several years ago, I borrowed a sum of 100 Saudi Riyals from a number of colleagues. I moved to a different district and forgot those colleagues and they forgot me. Now, I do not know where they are. What should I do with the liability of this sum of money? Please advise, may Allah reward you with the best!

(Part No. 19; Page No. 288)

A: If the case is as you have mentioned, that you forgot the creditors who lent you 100 Riyals, you are advised to give the money in Sadaqah (voluntary charity) on their behalf and all of you will be rewarded for doing so. If you find any of them, you should tell him about the Sadaqah you gave on his behalf. If he accepts it, then there is no harm in it. Otherwise, you must repay him his share to discharge yourself from guilt.

Q 163: Someone is indebted to a number of persons and he does not know where they are. What should he do? Is it permissible to repay the loan as Sadaqah (voluntary charity) on their behalf? If so, what should he say in such a case? Please advise. May Allah reward you with the best!

A: If he does not know their whereabouts, he should repay the loan as Sadaqah (voluntary charity) with the intention of giving them the reward. If they appear, or you know their addresses, you must inform them of what you did. If they accept, they will receive the reward; otherwise, you must repay them their share, and you will be given the reward of the given Sadaqah. Allah is the Grantor of success!

Advice for merchants and debtors

Q 164: Many people are burdened with a lot of debts; what is your advice for merchants, the debtors and others regarding debts?

(Part No. 19; Page No. 289)

A: I advise people that they must make an effort to economize, not to accumulate debt, and to be content with the sustenance of Allah as much as they can. If one is in serious debt, one must have the intention to repay the debts and exert efforts to repay them. This is because the Prophet (peace be upon him) said: (Whoever takes the money of the people with the intention of repaying it, Allah will repay it on his behalf, and whoever takes it in order to ruin it, then Allah will ruin him.) One must have sincere intentions, not take on debts except when it is a necessity, and avoid debts for fear of not being able to repay them. So, a person should economize in food, drink and other things in order not to be indebted. In case he is in dire need and must take a loan, he should have the good intention and hasten to repay it when it is possible.

(Part No. 19; Page No. 290)

Debtor must record their liabilities

Q 165: A man invested some of his wife's money in with his properties and she was semi-content with this act. Yet, she demanded that her husband register part of this property in her name to ensure that her money will not go to his heirs after his death. The husband told her that all of his wealth will go to her and their children after his death. He died without meeting her demand. Is he sinful? What should the heirs do concerning her money? May Allah reward you with the best! A: In the Name of Allah, and praise be to Allah Alone! May Allah's Peace and Blessings be upon Allah's Messenger, his family, Companions and those who followed his guidance! Any husband who uses his wife's money must record it in a legal document to secure her right after his death. He must do so while he is healthy and sane to free himself from liability. If he dies without doing this, the heirs are to treat her as one of the creditors who must be repaid from the inheritance. She has to assert her right to the money and the adult heirs should believe her and allow her the money. It is not permissible for a husband or anyone who is indebted

(Part No. 19; Page No. 291)

to someone else to keep the matter secret or disregard recording the debt. If this causes one to be denied their rights, they will be in a great danger and will be regarded as oppressors. We must, therefore, be aware of this matter. Every debtor, be they a husband, wife or anyone else, must record their debts in a legal document through the courts or a trustworthy scribe so that creditors can obtain their rights if the debtor dies before repaying the debt. The heirs, after verifying the wife's claim, must give her right. If she is unable to provide the evidence, there is no harm if they refuse to give her the money and Allah will compensate for it. The husband erred and did what is unlawful. She is free to forgive him and consequently will be rewarded or not to forgive him and will obtain her right on the Day of Resurrection. O sister in Islam! If you forgive and release your husband from this guilt, Allah (Exalted be He) will reward you with the best. If you do not take this option and the heirs refuse to give you the money, Allah will settle this matter on the Day of Resurrection. Allah (Glorified and Exalted be He) the only One sought for help!

Ruling on cheating to obtain a loan or assistance

Q 166: I am a citizen of this country and I took a personal loan of 300,000 Riyals from the Real Estate Development Fund, and an investment loan of more than 1 million Riyals. As I own a piece of land, with all the legal documentation,

(Part No. 19; Page No. 292)

I transferred it into my wife's name in a fictitious sale, to obtain an investment loan in her name, because it is not permitted for anyone to take more than one investment loan; and that is what I did. I hope that you will advise me, Your Eminence, as to whether I committed a sin and whether this is correct according to the Shari'ah (Islamic law) or not. If it is not, how can I get rid of this loan? May Allah reward you with the best!

A: This action is not permissible, because it involves lying and deception to violate the rules of the country, which have been established to achieve the public interest. It is obligatory on you to return this money to the fund and make Tawbah (repentance to Allah) for this evil deed. May Allah set aright the conditions of all of us!

It is not permissible to borrow from banks to pay for surgical Operation

Q 167: Is it permissible to borrow money from a bank with interest for a fixed term in order to pay for his wife's surgical operation taking into consideration that he tried to borrow the money from some people but they did not lend him any?

(Part No. 19; Page No. 293)

A: It is not permissible to borrow from banks or other interest-based sources for Allah (Exalted be He) says: ﴿whereas Allâh has permitted trading and forbidden Ribâ (usury).﴾ And: ﴿Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.)﴾ He (Glorified be He) also says: ﴿O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴾ ﴿And if you do not do it, then take a notice of war from Allâh and His Messenger﴾ ﴿It is authentically established that the Prophet (peace be upon him) cursed the devourer (taker) of riba (usury), its payer, its scribe and its two witnesses, and he said, "They are all equal."﴾ (Related by Imam Muslim in his Sahih (book of authentic Hadiths) Allah is the Grantor of success!

The Hadith that states: ("Every loan that brings a benefit is Riba.")

Q 168: What is the ruling on lending money to someone on condition that it will be repaid in a specific period of time and him lending me a similar amount of money for the same period? Does this come under the Hadith that states: ("Every loan that brings a benefit is Riba (usury/interest)") **given that no increase was stipulated?**

(Part No. 19; Page No. 294)

Please advise us and may Allah reward you with the best!

A: This loan is not permissible, because it includes the stipulation of another similar loan for the lender, which means a contract within a contract. This carries the same ruling prohibiting the conduct of two sales in one sale. It also stipulates an additional benefit for the mere loaning, which is repaying it with a similar loan. The Ijma' (consensus) of the scholars is that every loan that includes a condition for an additional benefit or collusion for it, is Riba. As for the Hadith that states: ("Every loan that brings a benefit is Riba,") it is Da'if (a Hadith that fails to reach the status of Hasan, due to a weakness in the chain of narration or one of the narrators). However, it was reported from a group of the Sahabah (Companions of the Prophet, may Allah be please with them) that this meaning is so if the benefit is conditional, or considered to be stipulated as a condition or a debt.

169- If a broker stipulates that a farm owner not to sell his products except to him, this is considered Riba

His Eminence Shaykh `Abdul-`Aziz ibn Baz, may Allah protect you!

As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). I work as a broker in a wholesale market in Egypt. Farm owners bring their crops to my shop for me to sell. I take commission which I determine with the clients and we do not differ much about that. Before the crops become ripe, a farmer comes to ask for a loan. I give him the loan provided that he sells me the entire harvest; taking into consideration that I do not raise my commission. Is this loan exploitive? Please advise. May Allah reward you well! If it is a type of usury, what should we do at a time when these dealings have become quite common? Could you kindly answer with a certified signed Fatwa?

A: As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

If a broker stipulates that a farm owner cannot receive a loan except with the condition that the crops will only be sold to him, this type of loan is considered usurious because it is interest-bearing loan. This type of transaction must be abandoned and those involved must repent to Allah. May Allah grant success to all people! As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

The General Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

Ruling on repaying a loan in a different currency

Q 170: I was once obliged to borrow a sum of money from a non-Muslim due to an emergency situation, on condition that I repay him an equal value in a currency other than the currency of my country when I return to my work in Saudi Arabia. When I returned a while later, the value of the other currency had risen and is now equal to double the amount of money that I borrowed from him. Is it permissible for me to repay him the money in this free currency, in spite of the difference in currency values, or should I just repay him the amount of money that I borrowed?

A: This loan is not valid, because in reality, it entails selling a current currency value for another currency on credit, which is a Riba-based transaction. It is not permissible to sell one currency for another, unless it is at today's price and hand-to-hand. You should only repay him the sum of money that you borrowed and make sincere Tawbah (repentance to Allah) for the Riba-based transaction you concluded.

impermissibility of settling a loan unless it is at the same value as at the time of exchange

Q 171: My brother in Islam, Hasan, lent me 2,000 Tunisian Dinars, and we wrote a contract for this loan, mentioning the sum of money in German currency. At the end of the loan period, the value of the German currency had increased, so if I repaid him the amount stipulated in the contract, I would have to give him 300 Tunisian Dinars more than I borrowed. Is it permissible for him to have this excess or is it considered to be Riba (usury/interest)? He wants me to repay him in German currency so he can buy a car from Germany.

A: The person who lent you the money only has the right to take the sum of money he lent you, which is 2,000 Tunisian dinars, unless you give him the excess willingly. There is nothing wrong in this, because of the saying of the Prophet (peace be upon him), ("The best of people are those who are best in repaying (their debts).") (Related by Muslim in his "Sahih [Book of Authentic Hadith]") It was also related by Al-Bukhari with the following wording, ("Among the best people

are those who are best in repaying (their debts).") As for the contract that you mentioned, you should not act according to it as it is not binding; it is an illegal contract. The Nas (Islamic text from the Qur'an or the Sunnah) of the Shari'ah (Islamic law) shows that it is not permissible to sell money in return for money, unless it is the same value as at the time of exchange and there is nothing left unpaid when the two parties separate.

(Part No. 19; Page No. 299)

172. A debtor has to repay their debts according to the time of transaction

From 'Abdul-'Aziz ibn 'Abdullah ibn Baz to his honorable brother, respected Shaykh E. A. Y., the judge of Al-Shu'ayb, may Allah guide him to all goodness! Amen!

As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your letter, dated 19/4/1384 A.H., and may you receive Allah's Guidance. I am happy to hear that you are in good health, all praise be to Allah. I was late in replying to you because I was very busy with work, may Allah grant us a good end! I have been thinking about your **inquiry regarding the two issues, one of which is about one person owing another person Arab Dirhams for the price of a house, a measured item, or something else, for a long period of time, such as ten years, when silver had been the currency in use. The creditor asked the debtor to repay the debt in silver, because the buying and selling were concluded before banknotes were issued. However, the debtor now says that he wants to repay the debt in banknotes, which is the current currency, but the creditor has refused this, and is insisting on silver Arab Dirhams. Does the debtor have to repay the debt in silver coins or do they have the choice between banknotes and silver coins?**

A: I have scrutinized what the scholars have written about this issue,

(Part No. 19; Page No. 300)

and it appears that the correct opinion in this issue is that the debtor is obliged to repay their debt in the currency used at the time of transaction, which was silver coins, and there is no reason to do otherwise. You are aware that Muslims should abide by the conditions they agree to, that the hand is responsible for what it took until it pays it back, and that an 'Urfy (customary) condition is like a verbal one. I do not know of anything that makes it obligatory to abandon these principles. Silver coins are still in use - all praise be to Allah - and the increase in their value does not prevent them from being handed back as if they are the current currency. However, if they are difficult to obtain, it is obligatory on you to obtain their value at the time they are lacking in gold or something else, in a way that you avoid Riba Al-Fadl (usury of excess, selling an item for another of the same type, on the spot, but in excess). As for repaying them in banknotes with an excess, I feel that this is doubtful and it is better to be avoided, as the Prophet (peace be upon him) said, ("Leave what causes you doubt for what does not cause you doubt.") This is also to act upon the Hadith reported on the authority Al-Nu'man about avoiding doubtful matters. As far as I know, taking banknotes in place of silver coins with an excess is a doubtful matter. I ask Allah to guide me, you, and our other Muslim brothers to Al-Haqq (the Truth) that Allah's Messenger, Muhammad (peace be upon him), was sent with.

Ruling on giving discounts when installments are paid in full

Q 173: A questioner from Riyadh writes: In private schools, tuition is usually paid in two installments, one at the beginning of the first term and another at the beginning of the second term. Some schools give a percentage discount if they receive payment in full before the start of the school year. Is this permissible in our Purified Shar` (law)? Guide us, may Allah reward you with the best!

A: There is nothing wrong with this, according to the most correct opinions of the scholars, as this serves the interest of both parties. Allah is the Grantor of success!

Ruling on getting a bank loan

Q 174: If a person needs some money to pay his household expenses or pay the rent of his house, or the like but he does not find anyone to lend him some money, is it permissible for him to get a loan from a bank?

(Part No. 19; Page No. 302)

A: It is permissible for a person to get a loan from a Bank through a Shar`y (Islamically lawful) manner such as getting a free interest loan or buying merchandise from the bank to be paid at an appointed time, even for a price that is more than its regular price. However, it is not permissible for a person to get an interest bearing loan because Allah prohibits Riba (usury/interest) in His Holy Book, the Sunnah of His Messenger (peace be upon him), and has issued a warning concerning it that is not mentioned with regard to eating dead flesh and the like. Allah (Glorified be He) says: ﴿Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity.﴾ Mufassirs (exegetes of the Qur'an) said that the meaning of this verse is that the usurious person will rise from his grave on the Day of Resurrection like an insane person. Thereafter, Allah (Glorified and Exalted be He) says: ﴿That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴾ ﴿Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.)﴾

Moreover, it was authentically reported that the Messenger of Allah (peace be upon him): ﴿cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal."﴾ (Related by Muslim in his Sahih)

Ayahs (Qur'anic verses) and Hadiths that prohibits and warns against Riba are to the same effect.

(Part No. 19; Page No. 303)

Failing to find someone to give him a free interest loan or sell to him on credit does not make a person fall under the ruling of necessity that permits eating dead animal or dealing with Riba. The opinion which considers this case a necessity is not justified by Shari`ah (Islamic law), because such a person can work to earn enough to pay for his needs, or he can travel to another town to find someone who will lend him money or sell to him on credit. Ruling of necessity is applied when a person fears death if he does not eat from the dead or anything else due to his severe hunger and his inability to attain what would keep his body and soul together through his own earning or through the help of another person. The need of those who deal with Riba-based Banks does not come under the ruling of necessity that permits eating dead meat and the like. Many people are very lenient with regard to the issue of Riba to the extent that they deal with it and issue Fatwas to people to deal with it for any trivial excuse. Such acts result from a lack of knowledge, weakness of faith and a love of money. We ask Allah for protection and safety from that which angers Him. It is to be noted that a

person should do his best to avoid dealing with a bank and to stop taking loans from it even if taking loans is in accordance with the Islamic rules and regulations, as one should be more cautious and safe, since the money of the bank is mostly not free from Riba. The Prophet (peace be upon him) said: ﴾Anyone who guards themselves against doubtful matters saves their religion and their honor.﴿

Allah is the One sought for Help!

When does a deceased debtor become absolved of their debt

Q 175: It is known that the Real Estate Development Fund grants long-term loans to citizens for them to build houses. These loans are to be repaid within twenty-five years. If the debtor dies after having only paid two installments of the loan, and their heirs continue to pay it at its due time, is the deceased absolved of it and do they avoid what is mentioned in this Hadith: ("The soul of a (deceased) Mu'min (believer) is suspended by their debt until it is repaid on their behalf") **or are they still obligated by the debt until all the installments are repaid? I hope that you will clarify this matter.**

A: If a person dies before repaying a credit debt, they are absolved of it if their heirs commit themselves to repay it, and the creditor is satisfied with this, or if they offer a solvent guarantor or a mortgage that covers the debt. In this way, the deceased will be safe from consequences, In sha'a-Allah (if Allah wills).

It is not necessary to hasten in paying the Real Estate Bank installments if the deceased's heirs or any others are committed to paying them

Q: My father (may Allah be merciful with him) died before paying back the debt he owes to the Real Estate Bank. Should we repay the sum all at one time or according to the installments set by the bank so as to discharge his responsibility?

A: It is not necessary to hasten in paying them off if the heirs or any others have committed themselves to paying them off at their due time in a way that bears no danger on the creditor because what is deferred out of the rights of the deceased is to be inherited by his heirs. There is no sin on the deceased in this regard in sha'a-Allah (if Allah wills) because one should repay the deferred debt only in its due time The heirs or any others stand for the deceased if they commit themselves to do so in a way that bears no danger on the creditor, as mentioned above.

Ruling on a person who dies without informing anyone about his debts

Q: There is a person who died before paying off his debt and did not inform anyone about it. What is the ruling on this issue?

A: If the deceased owes a debt about which he did not inform before his death, then his heirs are obliged to pay it off out of the estate/inheritance if it is proved by Shar`i (Islamic legal) evidence. It is to be given priority over the bequest and distributing inheritance. If dispute arises between the heirs and the creditors, then this should be referred to the Shar`i (legal) court.

Ruling on demanding increase on a debt that was used in trade

Q: Three years ago, a man borrowed a sum of fifty thousand Riyals from me on the condition that he would repay it off within six months. However, he kept the money with him a longer time and started to use it in trading till now. Is it permissible for me to demand an increase over the original capital I lent him or not?

(Part No. 19; Page No. 307)

A: All that you are entitled to is your capital. It is not permissible for you to ask for an increase because is considered Riba (usury/interest). But if he gives you more than your right without you demanding it or stating that this is obligatory for him, then this is better for him according to the authentic Hadith wherein the Prophet (peace be upon him) said: (The best of people are those who are best in paying off the debt.) This is also because this implies rewarding you for your benevolence. The Prophet (peace be upon him) said: (If anyone extends their kindness, recompense him; but if you have not the means to do so, pray for him until you feel that you have compensated him.)

Permissibility of collective savings for public benefit

Q 179: A group of teachers collects a sum of money at the end of every month from their salaries and gives it to one of them and the next month it is given to another person,

until everyone has had their share. What is the ruling of Shari'ah (Islamic law) on this?

A: There is nothing wrong in this; it is a loan that does not stipulate an additional benefit for anyone. The Council of Senior Scholars looked into this matter, and the majority conclusion was that it is permissible, because it is in everyone's interest and harms no one. With Allah is the success!

It is not permissible to

pay off a loan in another currency if the two parties stipulate this

Q 180: Is it permissible to borrow money in Riyals and repay its equivalent in dollars?

A: It is not permissible to do so if the two parties stipulate this term at the time of borrowing because this act involves Riba Al-Nasi'ah (usury of delay, conditional excess for delay of payment). If the creditor lent money in Saudi Riyals, Egyptian pounds, or Pounds Sterling, and the two parties agree at the time of repayment that it may be paid in dollars hand to hand, there is no harm in doing so. When some people complained to the Prophet (peace be upon him) saying:

(Part No. 19; Page No. 309)

﴾We used to sell with dinars, and take the dirhams.We used also to sell dirhams and take dinars. Thereupon, the Prophet (peace be upon him) said: There is no harm in taking them at the current rate as long as you do not separate while something is still to be settled.﴿ If someone borrows one thousand Riyals, for example, and the two parties agree at the time of repayment that it may be paid the equivalent of the one thousand Riyals in dollars, Kuwaiti or Jordanian Dinars, Pounds Sterling, etc., there is no harm if they are satisfied and payment is made immediately hand to hand.

Chapter on mortgage. It is not permissible to dispose of mortgaged property

Q 181: If one of my properties is mortgaged by the State, can I sell it ?

A: If it is mortgaged to the State or another party, you are not allowed to dispose of it, except upon the approval of the mortgagee whose right is guaranteed by it. Thus, you cannot dispose of it without the mortgagee's permission, be it the State or an individual.

There is no harm in mortgaging a productive property

Q 182: When mortgaging a productive property, such as palm-trees or grapes, are the fruits lawful for the capital owner or the mortgagee? A: There is nothing wrong with mortgaging productive property, such as palm-trees, grapes and fruits,

(Part No. 19; Page No. 311)

is for the capital owner. The mortgagee has no right to it, unless he is going to deduct it from the debt. To take the yield plus the entire debt is considered Riba (usury/interest) which is Haram (prohibited). Similarly, if you mortgaged a piece of land, it is not permissible for the mortgagee to take its rent except if he is to deduct it from the debt. It was reported that some of the Sahabah (Companions of the Prophet) (may Allah be pleased with them) warned against the charge imposed on the debtor against deferment of the debt, and considered this Riba. However, if the debtor gives the creditor an increase at the time of or after fulfilling the debt, there is no harm in doing so. The Prophet (peace be upon him) said: (The best of people are those who are best in paying off debts.)

A Chapter on Insurance

183- Ruling on Health insurance

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Head of the Da`wah, and Guidance Institute in Al-Madinah Al-Munawwarah, May Allah protect you!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

With reference to your letter No. (522/9), dated 25 Rajab, 1407 A.H. which was accompanied by the letter of the General Director of Medical Affairs in Al-Madinah Al-Munawwarah, concerning Al-Fahd Clinic in Al-Madinah, which has begun to offer health insurance. According to this insurance system, a sum of money is deducted in advance in return for free one year treatment services for an individual or a family. You ask for a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.

I would like to inform you that what you mention is a form of commercial insurance which the Permanent Committee for Scholarly Research and Ifta' issued a Fatwa prohibiting it. Attached is a copy of this Fatwa.

May Allah guide all to what pleases Him! As-salamu `alaikum warahmatullah wabarakatuh.

General Chairman of the Departments of Scholarly

Research, Ifta', Da`wah, and Guidance

Ruling on life and property insurance

Q 184: What is the ruling on life and property insurance?

A: Life and property insurance is Haram (prohibited) for it entails uncertainty and Riba (usury/interest). Allah (Glorified and Exalted be He) prohibited all Riba-based transactions out of mercy upon people and protection from evil. Allah (Glorified and Exalted be He) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ It was authentically reported that the Messenger of Allah (peace be upon him) ﴾The Prophet (peace be upon him) forbade Gharar sale (uncertain sale).﴿ Allah is the Grantor of success!

Ruling on car insurance

Q 185: Some countries are subject to a number of thefts, is it permissible to apply for car insurance?

(Part No. 19; Page No. 315)

A: Insurance is Haram (prohibited); this is the basic rule because it is Riba (usury/interest) and Gharar sale (uncertain sale) as the person pays a small amount and receives a lot, or may get nothing. The insurance company may pay out a large amount, but it does not say that it takes money from here and there and profits greatly. Someone may pay ten thousand to the insurance company and it bears tens of thousands in loss. This leads to Gharar (uncertainty).

Guarantee is not incumbent on those

who do not neglect safeguarding trusts

Q 186: I am responsible for collecting money in one of the charity committees and sometimes we experience shortages due to the pressure we have in some occasions. I do not know the cause for this shortage; it is either that we do not take these moneys from the donor himself or we forget to take it from the money collectors; should I pay the shortage? It is worth mentioning that it is not my fault. Could you kindly advise? May Allah reward you with the best!

My father sends his regards and tells you that he loves you for the sake of Allah. Do not forget us in your supplications. May Allah

(Part No. 19; Page No. 316)

reward you well our dear father! Could you kindly send us a prompt reply in this regard?

A: As for the money shortage, it is not incumbent on you to pay it as long as you did not neglect your responsibility of safeguarding that money. As for your father, send him my regards and tell him that I supplicate to Allah that He may Allah love him as much as he loves me! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

General Mufty of the Kingdom,

the Chairman of the Council of Senior Scholars

and Chairman of the Departments of Scholarly Research, Ifta'

A Chapter on Compromise

Compelling the person who does not accept compromise to remove the harm he caused

Q: What is the preponderant opinion regarding the branches and tree trunks that extend from the property of one person to that of another, resulting in harm? What is the degree of authenticity of the Hadith mentioned by Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him) regarding uprooting the palm-tree of the person who refused to accept the compensation because the tree harmed the orchard of his brother?

A: I have reflected upon the issue in question and found that the author of Al-Insaf handled it in two phases and that other scholars stated two views regarding it: the first of which is that the owner is not to be compelled to remove it; and the second is that he is to be compelled and if he refuses, then he should guarantee the harm resulting from it. Then, it became clear for me that the second view is preponderant due to some reasons:

First: This is the requirement of the Shar`i (legal) evidence, such as the Prophet's

(peace be upon him) saying: (There should be neither harming nor reciprocating harm) This in addition to the other Hadiths that bear the same meaning.

Second: The Prophet (peace be upon him) said: ("Whoever believes in Allah and the Last Day should not hurt (trouble) his neighbor.") There is no doubt that tree trunks and branches that harm one's neighbor are included in the prohibited harm. Thus, the neighbor should be prevented from doing so.
Third: Not compelling the neighbor leads to continued dispute and hostility. It may lead to feuds, or what is more dangerous than that. Accordingly, this issue must be resolved decisively. There are many evidence from Shari`ah (Islamic law) that prove the obligation of blocking the means leading to dispute and controversy, or to what is more dangerous than that.

As for the Hadith on the owner of the palm-tree, it was narrated by Abu Dawud from the Hadith of Muhammad ibn `Ali ibn Al-Husain on the authority of Samurah ibn Jundub. However, its Isnad (chain of transmission) is subject to question because it is known that Muhammad ibn `Ali could not have heard from Samurah. It is obvious that

the first did not hear from the second. This was noticed by Al-Hafidh Al-Mundhiry in Mukhtasar Al-Sunan. However, Al-Hafidh ibn Rajab mentioned in Sharh Al-Arba`in Al-Nawawiyyah on his comment on the Hadith No. Thirty Two some proofs that support this Hadith. All these proofs along with the Hadith we mentioned in support of the first opinion prove that the opinion we have stated is the

preponderant opinion, i.e. compelling the owner to remove the tree trunks or branches causing the harm. If the harm can only be removed by uprooting the tree, then it must be uprooted compulsorily so as to end what causes harm and dispute and to ensure the rights of neighbors.

A Chapter on

Deputizing someone to deal with Riba-based finances

Q 188: I have a brother who has accounts in usury-based banks in Egypt. He deputized me to deal with his accounts which are represented in deposits with yearly interest. He asked me to get the deposits and make a withdrawal from his account to buy and register pieces of land for him. Am I regarded as an accomplice with him in sin, or am I merely performing a service for my brother? Please answer me, may Allah reward you with the best!

A: There is no harm in accomplishing what your brother deputized you to accomplish out of his original capital. As for the interest, they are Riba (usury/interest). It is not permissible for you to use them in carrying out his affairs. Rather, they should be spent on Muslims' projects given as Sadaqah (voluntary charity) to the poor because they are ill-gotten gains. May Allah guide us all to what pleases Him!

189- An trustee is not permitted to pay off his debt from the Zakah money he is entrusted with

His Eminence Shaykh `Abdul- Aziz ibn `Abdullah ibn Baz, May Allah protect you!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I owe a sum of money due to be paid by the end of the month of Shawwal, but I cannot pay it completely on time. I am the legal depository in charge of a sum of money which my father owns a share of.

My question is: Is it permissible for me to deduct a part of the Zakah (obligatory charity) due on this money to pay off my debt? Kindly provide us with your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you with the best!

A: As-salamu `alaikum warahmatullah wabarakatuh

You are not permitted to do so. The Zakah should be paid by the owner of the money, unless your father and his partner authorize it. You may then take it, if you are unable to pay off your debt. May Allah help you and all Muslims pay off their debts! As-salamu `alaikum warahmatullah wabarakatuh!

Is it permissible for a representative

to take possession of the surplus money of one who authorized him to manage it

Q 190: If my father sends me to buy some things and a sum of money remains after the purchase, is it permissible for me to take this sum without my father's knowledge?

A: It is not permissible for you to take possession of what remains of the money your father gave you to buy him some needs. Rather, you should return it to your father because this entails returning trusts which Muslims are ordered to fulfill. Allah (Glorified and Exalted be He) says: ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due﴿

A Chapter on partnership

The claim of division cannot be heard if the two parties were satisfied for a long period of time

Q 191: Twenty years ago, two persons entered into a partnership and bought a piece of land which they developed. Recently, they destroyed the buildings on this land and one of them found that the share of land his partner has is larger by two meters. He, therefore, filed a lawsuit against his partner to obtain his right regarding this increase. What is your opinion?

A: Such a lawsuit cannot be heard because they divided the land a long time ago which indicates that they were satisfied with the division. The land in question varies according to one's taste and desire. One may see the extra land as less desirable. In all cases, this lawsuit is baseless and cannot be heard according to what I know of the rulings of the Purified Shari`ah (Islamic law).

Q 192: Someone from Riyadh writes: Islamic Banks give variable profit; namely

(Part No. 19; Page No. 324)

unfixed rates which range between 12% and 17% on a monthly basis. Is dealing in such a way Halal (lawful)? Please advise. May Allah reward you with the best!

A: All praise be to Allah Alone, and peace and blessings be upon the Messenger of Allah! It is not permissible to define a known profit in Mudarabah partnership (speculative partnership, giving an amount of money to trade with in return for a share in the profit) or any kind of partnership or the contract becomes null and void. By this, the profit and losses are not shared by the partners; one wins and the other loses. The profit should be a publically known amount such as one-half, or more or less than this according to Ijma` (consensus of scholars). Allah is the Grantor of success!

The ruling on taking part in companies that deal in Riba

All praise be to Allah Alone, and peace be upon His Servant and Messenger, our Prophet Muhammad, his family and Companions! To proceed:

I have come to know that some companies deal in Riba-based transactions. There were many questions about the ruling on profits gained through Riba (usury/interest). Regarding the charge which Allah placces on scholars to advise Muslims and to the obligatory cooperation upon goodness and piety, I would like to warn Muslims against Riba. It is a forbidden act and one of the grievious sins as Allah (Exalted be He) says: ﴾Those who eat Ribâ (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitân (Satan) leading him to insanity. That is because they say: "Trading is only like Ribâ (usury)," whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿

Allah considers this kind of transaction as fighting Him and His Messenger, He (Glorified be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿

It was authentically reported from the Prophet (peace be upon him) that he cursed those who take Riba, those who give it, its scribe and its witnesses. He (peace be upon him) said: ﴾They are all equal.﴿ There are many Ayahs (Qur`anic verses) and Hadiths that warn against Riba and explain its bad consequences. It is obligatory on everyone that deals in these companies and others to repent to Allah and give up dealing with it in the future in order to obey Allah, His Messenger, heed the warning of the consequences, and avoid falling into prohibited matters. Allah (Exalted be He) says: ﴾And all of you beg Allâh to forgive you all, O believers, that you may be successful﴿ and ﴾O you who believe! Turn to Allâh with sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow (Paradise)﴿ I ask Allah to guide us, as well as all Muslims to repent to Him of all sins!

We seek His Refuge against the evils of ourselves and our bad actions! May Allah rectify our conditions for He is the Most Generous! Peace be upon our Prophet Muhammad, his family and Companions!

Q A man puts his money into stocks whose companies deal with interest-based banks. When we told him that it is not permissible, he replied that if we do not buy these shares, foreigners will take the major part and control the economy and we deserve the benefits of our country more than they do. What is your opinion regarding this claim, may Allah reward you with the best!

Answer It is not permissible to invest in banks or companies that deal with them as Allah (Glorified and Exalted be He) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ It was authentically reported that the Prophet (peace be upon him) said: ﴾The Messenger of Allah (peace be upon him) cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He said, "They are all equal."﴿ Allah is the Grantor of success!

Getting rid of shares yielding unlawful gains

Q 195: A person partnered with someone in buying a photography shop. He later repented to Allah, so how should he end this partnership without incurring a loss? What is the ruling on the profit gained from this shop?

A: He should take inventory of everything in the shop and agree on what their value is with the other party in a way satisfactory to both of them. The profit he earned from the shop is Mubah (permissible), unless it is from taking photos of living beings or other things prohibited to be photographed. In this case, it is not permissible to use this profit. He should sincerely repent to Allah and determine not to go back to this and pay this money in charity or to a charitable project.

A Chapter on Musaqah

196- Ownership of land is not assumed due to cultivating it

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear brother the questioner, may Allah protect and watch over you! Amen.

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Your noble letter dated 4/7/1386 A.H. came to us, may Allah guide you to His Straight Path! The case raised by your cousins regarding your property, called an-Nuq`ah, and their claim that this piece of land belongs to the heirs of the grandfather `Abdul-'Aziz (may Allah be merciful with him) is a familiar issue to us.

The answer: What is stated by scholars on the topic of Musaqah (giving planted or unplanted trees and land to be tended for a specified share of the fruit) is that the tenant cannot possess the land due to his cultivating it and that it remains the property of its owner. Once the trees die, it is to be returned to its owner. This is the opinion held by the Four Imams (Abu Hanifah, Malik, Al-Shafi`i, and Ahmad)

as well as other scholars. However, scholars stated that if both the landowner and the tenant agree previously that the land will become his property if he cultivates it, then there is no harm in doing so. This view was adopted by Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him). If the grandfather `Abdul-'Aziz and the grandfather `Abdullah (may Allah be merciful with them both) previously stated in Al-Mugharasah Contract (a contract where a man permits another to cultivate his land in return for an agreed upon portion of the crops) that the land would become the property of the one cultivating it, then the condition is sound according to the preponderant opinion which is adopted by Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him) based on the well-known Hadith: (Muslims are on (abide by) their conditions.) Grandfather `Abdullah is entitled to a piece of land equal to the cultivation according to the condition stated by them.

If they did not state in Al-Mugharasah Contract (a contract where a man permits another to cultivate his land in return for an agreed upon portion of the crops) that the land would become the property of whomever cultivates it, then grandfather `Abdullah only has the right to the trees. Once the trees die, the land is to be returned to its owner who is the grandfather `Abdul-`Aziz (may Allah be merciful with him). This is what I know on this issue, and Allah (Glorified and Exalted be He) knows best!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Ruling on renting Agricultural Lands

Q197: I have agricultural land in Sudan and I could not take care of it. Therefore, I thought of renting it to someone who will harvest it and take care of it. When I did so, I was told that one of the Fuqaha' (Muslim jurists) said that renting land is not allowed, but I should give it to someone to harvest it and take care of it in return of a portion of its harvest. What is the ruling regarding this issue?

A: This is not true. Rather, it is permissible to rent agricultural lands for a certain amount of money (dirhams or other currency) as stated by Rafi' ibn Khadij (may Allah be pleased with him) when he told the Prophet (peace be upon him) about renting lands for indefinite types of rent. Thereupon, the Prophet (peace be upon him) said: ﴾But if there is something definite and reliable (e.g. money), there is no harm in it.﴿ Moreover, it is also permissible to rent land for a percentage of its harvest such as one quarter, one third or a similar portion.

(Part No. 19; Page No. 332)

(Part No. 19; Page No. 333)

The Book of Leasing

(Part No. 19; Page No. 334)

(Part No. 19; Page No. 335)

The Ruling on Taking rent money in advance or delaying it

Q What is the ruling on commercial shops paying rent in advance which sometimes may cover more than one year?

Answer It is permissible to pay rent in advance, or to delay it according to the terms between the leaser and landlord as Allah (may He be Praised) says: ﴾O you who believe! Fulfil (your) obligations.﴿ The Prophet (peace be upon him) said: ﴾Muslims are on (abide by) their conditions.﴿ Allah is the Grantor of success!

The Ruling on Leasing buildings within the Haram (the Sacred Mosque in Makkah)

All praise be to Allah Alone, and may peace and blessings be upon Allah's Messenger! His Eminence Shaykh `Abdul-`Aziz ibn Baz, the General Mufty of the Kingdom of Saudi Arabia, May Allah safeguard you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I have a block of buildings within the borders of Al-Haram (the Sacred Mosque in Makkah) that I lease. I heard that leasing buildings within the sacred precincts or in Makkah is a doubtful matter which some scholars hold is unlawful. I spent this money on my family and I do not want to spend unlawful money on them. What is your advice? What if it is unlawful, how can I dispose of the money previously taken from rents which I mostly spent on myself and my family? Please advise me, may Allah reward you well!

Note: Would you please mention your evidence so that I can feel comfortable?

Answer As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) There is no blame on you for doing this, in sha'a-Allah (if Allah wills). May Allah grant us success! Wa As-salamu `alaikum!

General Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

Ruling on receiving wages for shaving people's beards

Q 200: Some hairdressers receive wages for shaving people's beards. So, what is the ruling on this issue?

A: Shaving and trimming the beard is Haram (prohibited). It is an obvious Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) that a Muslim should neither do (for himself) nor help others to do it. Accordingly, receiving wages for shaving or trimming the beard is also prohibited and regarded as ill-gotten money. Whoever indulges in such a sin has to make Tawbah (repentance to Allah), give up such an act, and determine not to return to it again. If such a person was aware of the foregoing ruling, he has to give in Sadaqah (voluntary charity) all the money that he gained through shaving or trimming people's beards. However, if he was ignorant of the ruling, there is no blame on him regarding what he earned in the past but he has to avoid doing the same in future for Allah (Glorified and Exalted be He) says regarding those who consume Riba (usury/interest): ﴾So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿

Moreover, it is related in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of Ibn `Umar (may Allah be pleased with them both) that the Prophet (peace be upon him) said: ﴾'Trim closely the moustache, and let the beard grow to be contradictory to the Mushriks 'those who associates others with Allah in His Divinity or worship﴿ According to another narration in Sahih Al-Bukhari (authentic Book of Hadiths) the Prophet (peace be upon him) said: ﴾Trim closely the moustache, and lengthen﴿

the beard to be contradictory to the Mushriks. In addition, it is related in Sahih Muslim on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Trim closely the moustache, and let the beard grow to be contradictory to the Magi. ﴿

It is thus obligatory on every male Muslim to adhere to Allah's Command and let his beard grow and lengthen it. He also has to trim closely the moustache. A person should not be misled by the huge numbers of people who contradict such a Command and disobey their Lord villainously.

I ask Allah to guide Muslims to all that pleases Him, and to help them obey Him and His Messenger! I ask Him (Exalted be He) to grant whoever opposes His and His Prophet's commands sincere Tawbah (Repentance to Allah), to help them to hasten to obey Him and act upon His and His Prophet's commands! Verily, Allah is the All-Hearing, the Ever-Near!

The ruling on receiving a fee for reciting the Qur'an to cure the sick

Q 201: We hear about some who cure people with the Qur'an. They recite Qur'an and Shar`y Du`a (supplications) over water or oil to cure sorcery, evil-eye, and demonic possession. They take fees for this;

(Part No. 19; Page No. 339)

is it legally permissible? Should a healer recite the Qur'an over the patient himself or may he recite over oil or water and give it to him?

A: There is no harm in accepting fees for reciting Ruqyah (reciting Qur'an and saying supplications over the sick seeking healing) over the sick. This is based on the Hadith related in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) that: ﴿a group of the Companions of the Prophet (peace be upon him) set out on a journey and travelled until they came to one of the Arab tribes. They asked them for hospitality but they refused. Then the leader of that tribe was stung, and they tried everything but nothing helped him. Some of them said, Why don't you go to those people who are staying (nearby), maybe they have something. So they went to them and said: O people, our leader has been stung and we have tried everything and nothing helped him. Do any of you have something? One of them said, Yes, by Allah. I will perform ruqyah for him, but by Allah we asked you for hospitality and you did not give us anything, so we will not perform ruqyah for you unless you give us something in return. They agreed on a flock of sheep, and he started to blow on him and recite Al-hamdu Lillahi Rabbi Al-`Almin. He recovered quickly from and began walking, and there was nothing wrong with him. Then they gave them what they had agreed to, and some of them (the Sahabah) said: Let us divide it. The one who had performed Ruqyah said: Do not do anything until we come to the Prophet (peace be upon him) and tell him what happened, and we will wait and see what he tells us to do. So when they came to Madinah they told the Messenger of Allah what had happened. He said: "you have done well".﴾

Also, there is no harm in reciting Ruqyah (reciting Qur'an and saying supplications over the sick seeking healing) over water or oil for the purpose of curing someone's sickness or treating a bewitched or a mad person. However, it is better to recite Ruqyah directly over the patient and to blow over him. Abu Dawud (may Allah be merciful with him) narrated with a good Isnad (chain of narrators)

(Part No. 19; Page No. 340)

that the Prophet (peace be upon him) recited Ruqyah (reciting Qur'an and saying supplications over the sick seeking healing) over water and poured it over Thabit ibn Qays ibn Shimas. The Prophet (peace be upon him) also said: ﴿There is no harm in the incantation which does not entail polytheism.﴾ This authentic Hadith is general in performing Ruqyah (reciting Qur'an and saying supplications over the sick seeking healing) by the sick himself or by another and to be recited over water or oil, etc. Allah is the Grantor of success!

Receiving a Fee for Teaching the Qur'an

Q 202: Is there any harm in teaching the memorization of Qur'an and working as an Imam of a Masjid and receiving a fee for that? Is it considered piety to give it up? .

A: There is no harm in receiving a fee for teaching the memorization of Qur'an and there is no blame in getting paid and receiving compensation for being an Imam (the one who leads congregational Prayer) of a Masjid (mosque), because working as an Imam restricts one from having another job and the same ruling applies to calling Adhan (call to Prayer). However, if one is self-sufficient and gives up receiving compensation for being an Imam or for calling Adhan, then it will be better for him if he considers his work as a donation and becomes satisfied with what Allah has provided him of other lawful income. But if one is in need of such compensation, then there is no blame in taking it.

Taking Fees for carrying out Entry Procedures is Permissible on Certain Conditions

Q: I paid a sum of money for a person who promised to carry out the procedures required in order for me to enter the country. After my entrance, I contracted with a State-owned department to work in the field of my specialization according to a Shar`i contract. However, one of my companions told me that the salary I obtain is unlawful because what is built on what is unlawful is also unlawful. By this he refers to what I paid to get a visitor's visa. Is this correct or not? Please guide me, may Allah reward you with what is best!

A: The answer requires some detail: If your proxy fulfilled what is required by Shari`ah, i.e. he exerted his effort in persuading the officials to permit your entrance without lying, cheating, or giving them bribes; then there is no harm in this because the money you gave him was in return for the efforts he exerted for you in discussing the matter with those responsible and asking permission for you to enter the country. However, if he carried out such a work through bribery, deceit, and lying, then this is not permissible neither for you nor for him.

It is not for you to support him in falsehood, nor to be content with it. It is not

for him to give bribes, nor to lie. The matter should be discussed in detail and should not be generalized.

Impermissibility of using company cars without permission

Q 204: A driver uses a company car as a taxicab and earns money which he justifies by the fact that his salary is low. It may be worth mentioning that this man helps people by charging them half of the fee that other drivers normally get. What is the ruling on this act?

A: It is not permissible for the driver in question to use the company car as a taxicab, unless he gets prior permission. This car is a trust that he must guard. Accordingly, it is not permissible for any driver to use a company car or a government car for any purpose not related to his official work without prior permission.

A Negligent Public Servant's Salary is Doubtful

Q 205: A question was directed to His Eminence Shaykh 'Abdul-'Aziz Ibn Baz, **the Grand Mufty and the Chairman of the Council of Senior Scholars about the religious ruling on the salary taken by a public servant who neglects his work and does not perform it in a proper way. Is**

his salary considered lawful or unlawful?

A: His Eminence answered the question by saying that his salary is doubtful and he should fear Allah with regard to his job and should perform his job properly in order to make his salary free from doubt. He is obligated to perform his duty to make his salary lawful. If such a person does not care about that, then some of his salary is unlawful. Therefore, such a person should be cautious and should fear Allah (Exalted be He).

Ruling on receiving a transfer allowance without performing it

Q 206: One of my colleagues and I were assigned to work for four days in a specific region, but I did not go and remained at my regular workplace. Nevertheless, I later received an allowance. Is this permissible? If not, is it permissible that I spend the equivalent of the allowance on necessities for the office where I work?

A: You must give back the allowance in the question. You do not deserve it because you did not complete the assignment. However, in case of inability to do so; you have to spend the money on some charitable acts such as helping the Faqir (poor), etc. You must also offer Tawbah (repentance to Allah), Istighfar (seeking forgiveness from Allah), and avoid repeating this.

The ruling on receiving salaries without working

Q: I am a government employee. Sometimes we are paid overtime without asking us to do overtime work. We do not come to the department and they consider it as a reward for employees every now and then. It is known that the head of the department accepts this. Please, advise us, may Allah reward you. Is it permissible to take this money? If not, how can I dispose of the money I received in the past after having spent it. May Allah reward you!

Answer : If the case is as you mentioned, then this is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect), impermissible, and is a form of betrayal. It is a must for you to pay back what you took from the national treasury. If you cannot, you must give it to the poor in charity, to Muslims, and charitable projects. You should repent to Allah (may He be Praised) and intend honestly not to repeat this. Muslims should not take anything from Muslim treasuries except through legal means that the State approves. May Allah guide us all!

Ruling on an employee who receives a family travel allowance while no travel takes place

Q 208: If it is the right of the employee upon his appointment to take a travel allowance for his family to move them to his workplace but he does not move his family and forges receipts to receive the allowance; is this permissible?

A: This is not permissible according to our purified Shari'ah` (Islamic law) as it is a form of earning money through lying and deception, which is Haram (prohibited) and must be denounced and warned against. May Allah grant all safety!

Ruling on working in places that stipulate shaving the beard

Q 209: If I want to join a job that stipulates shaving the beard, what should I do?

A: The Prophet (peace be upon him) stated in a Sahih (authentic) Hadith: ﴾Obedience is obligatory only

(Part No. 19; Page No. 346)

in what is reasonable and acceptable to the Shari`ah 'Islamic law'.﴿ The Prophet (may Allah's Peace and Blessings be upon him) also says: ﴾There is no obedience to a creature in disobedience to the Creator.﴿ You must fear Allah and should not accept such a condition. There are many available ways of earning livelihood; praise be to Allah Alone. Allah (Glorified and Exalted be He) says: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ Accordingly, you should not accept any work that stipulates disobeying Allah (Exalted be He). This applies to all types of work including working for the army. You must avoid working in such places and should look for another job that Allah permits (Glorified and Exalted be He). You must not cooperate in sin and transgression, for Allah (Exalted be He) states: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ May Allah grant us all success!

On the other hand, it is Wajib (obligatory) on Muslim rulers and authorities all over the world to fear Allah and should not compel people to do Haram (prohibited) things.

(Part No. 19; Page No. 347)

In fact, Muslim rulers and authorities must apply the rulings of Shari`ah to all their deeds and instructions. Allah (Glorified be He) says: ﴾But no, by your Lord, they can have no Faith, until they make you (O Muhammad صلى الله عليه وسلم) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission.﴿ Allah (Glorified and Exalted be He) also says: ﴾Do they then seek the judgement of (the days of) Ignorance? And who is better in judgement than Allâh for a people who have firm Faith.﴿ Allah (Glorified and Exalted be He) also states: ﴾O you who believe! Obey Allâh and obey the Messenger (Muhammad صلى الله عليه وسلم), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger (صلى الله عليه وسلم), if you believe in Allâh and in the Last Day. That is better and more suitable for final determination.﴿ It is Wajib to obey Allah and His Messenger, refer all the disputes to Allah and His Messenger, and implement all the commands of the Glorious Qur'an and the Purified Sunnah (whatever is reported from the Prophet).

This is also compulsory upon those in charge with regard to the issues of the beard, Riba (usury/interest), judgment among people, etc. Muslim rulers and authorities should apply Shari`ah, because, by Allah, doing so is the way of their glory and salvation in this world and in the Hereafter. They will not attain perfect honor and the complete pleasure of Allah unless they obey Him (Glorified

and Exalted be He) and follow His Shari`ah. We ask Allah to guide us and them to all that pleases Him.

Selling and Working in wine-making factories is an abominable Munkar

Q 210: What is the ruling on a Muslim who sells wine or drugs? Can we call them a Muslim? What is the ruling on a Muslim who works in a factory that produces wine? Should they leave that work even if it is the only work he can find?

A: it is a great evil and prohibited that a Muslim sells wine or other unlawful item or that he works in factories that produce wine. Allah (Glorified and Exalted be He) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ Selling wine, drugs and tobacco undoubtedly pertains to cooperating in sin and transgression. Similarly, working in wine-making factories is a form of helping one another in sin and transgression. Allah (Glorified and Exalted be He) says: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿

Moreover, it is authentically narrated that the Prophet (peace be upon him): ﴾... cursed Khamr (intoxicants), the one who drinks it, the one who serves it, the one who squeezes it (the grapes, etc), the one for whom it is squeezed, the one who carries it, the one to whom it is carried, the one who sells it, the one who buys it and the one who consumes its price.﴿

Also, it is authentically narrated that the Prophet (peace be upon him) said: ﴾Verily Allah made a covenant to those who died while drinking Khamr (intoxicant) to make their drink Tinat al-Khabal. They said: Allah's Messenger, what is Tinat al-Khabal? He said: It is the discharge of the denizens of Hell or the sweat of the denizens of Hell.﴿

This person is disobedient and Fasiq (someone flagrantly violating Islamic law) due to his action. His faith is not complete and on the Day of Resurrection he will be left to Will of Allah; He may forgive and pardon him or He may punish him. This is the opinion of Ahl-ul-Sunnah wal-Jama`ah (those adhering to the Sunnah and the Muslim main body) on such a person if the died before repentance. Allah (Glorified be He) says: ﴾Verily, Allâh forgives not that partners should be set up with Him (in worship), but He forgives except that (anything else) to whom He wills﴿

This ruling applies to the person who does not hold consumption of wine lawful; otherwise, he will become a disbeliever on whom the Muslim should not offer his Funeral Prayer or wash his body if he died in that state.

This is the opinion of the majority of scholars because declaring consumption of wine to be lawful is considered belying Allah (Glorified and Exalted be He) and His Messenger (peace be upon him).

The same ruling applies to the Muslim who holds as lawful Zina (premarital sexual intercourse and/or adultery), sodomy, Riba (usury/interest) or other well-established prohibitions, such as undutifulness to parents, severing kinship ties and killing people unjustly.

The person who commits any of these sins, believing that they are prohibited while they are disobedient to Allah (Exalted be He), will not be a disbeliever; he will just be Fasiq. He will be judged according to the Will of Allah (Glorified be He) in the Hereafter if he does not repent before his death, as stated above. May Allah grant us success.

Cooking, hairdressing, shoe-making and cleaning are permissible jobs

Q 211: Some people think that there are unlawful crafts and scold those working in crafts such as cooking, hairdressing, shoe-making, cleaning, and the like. Is there a legal foundation to support this belief? Are such crafts rejected by the customs and nature of the Arabs? Please, advise. May Allah reward you with the best!

(Part No. 19; Page No. 351)

A: We do not know any indication that prohibits such crafts and the other like permissible crafts on the condition that the craftsman should fear his Lord and give advice to his customers and he should not cheat them. This is according to the general meaning of the legal indications in this regard. For example, the Prophet (peace be upon him) was asked ﴿what type of earning was the best. The Prophet (peace be upon him) answered, "The work of a man's own hand, and every pious sale."﴾ Narrated by Al-Bazzar and Al-Hakim classed it as Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish). The Prophet (peace be upon him) also said: ﴿Nobody has ever eaten a better meal than that which he earned by working with his own hands. Prophet David used to eat from the earnings of his manual labor.﴾ (Narrated by Al-Bukhari in his Sahih) Indeed, people are in need of these crafts as well as other similar crafts, then stopping and disdaining them would mostly harm Muslims and make them in need of their enemies when they do such crafts. Cleaners should do their best to ensure the safety of their bodies and cleanliness of their clothing and be careful to get rid of any filth. May Allah grant us success!

Impermissibility of assuming the identity of another person in order to work as a Mu'adhin

Q 212: I am a young man who has no ID card though I

(Part No. 19; Page No. 352)

work in a Masjid (mosque) as a Mu'adhin (caller to Prayer). The point is that the Imam of the Masjid where I work advises me to assume the identity of another person so that he may register the name of such person with the Ministry of Awqaf (Religious Endowments) as a Mu'adhin and I receive the salary. Is it permissible that I work and receive the salary with a name of another person? Is it a form of deception? If the person has already received this illegitimate salary; please tell me whether they must give it in Sadaqah (voluntary charity)?

A: Doing so is impermissible, for it is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and falsehood. Whoever receives such salary through the means mentioned in the question must repay its equivalent to the Ministry of Awqaf, if this is possible. Otherwise, they have to give it in Sadaqah to the Faqir (poor), etc. This is because such salary was ill-begotten, so when it cannot be given back to those to whom it is due, it must be spent on charity for the poor or on repairing Masjid facilities, etc.

Muslims must fulfill

the trust and enjoin goodness in their workplaces

Q 213: Some employees and workers do not show the required eagerness to perfect their work. Some of them do not enjoin good or forbid evil for one full year or more. Some come late to work justifying this by getting the permission of their boss. What is the ruling on this? Please, advise. May Allah reward you with the best!

(Part No. 19; Page No. 353)

A: First: It is ordained that every male and female Muslim has to convey all goodness that they know through the Din (religion) of Allah (Glorified and Exalted be He). A proof for this is the Hadith in which the Messenger of Allah (peace be upon him) said: (May Allah brighten (the face of) a person who hears my words, comprehends them, and then conveys them as they have heard them.) The Prophet

(peace be upon him) also said: ﴾Convey (my teachings) to people even if it were a single sentence.﴿ Moreover, whenever the Prophet gave a Khutbah (sermon) and preached people; he (peace be upon him) used to say: ﴾Those who are present should convey it (this information) to those who are absent, as the informed one might comprehend it (what I have said) better than the present audience who will convey it to them.﴿ Accordingly, I advise you all to firmly convey whatever goodness you are aware of. Whoever has heard some knowledge and learnt it by heart has to convey it to their family members, friends, and acquaintances as long as they think that this is beneficial. However, a person has to verify the soundness of what they convey and should not speak of anything that they do not memorize well. Abiding by the foregoing is a prerequisite of being amongst those who enjoin the truth and call to goodness.

Regarding employees who do not accomplish their work or do not do them perfectly, you know that one of the characteristics of Iman (Faith/belief) is fulfilling and safeguarding a trust,

(Part No. 19; Page No. 354)

for Allah (Glorified and Exalted be He) says: ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due﴿ Trustworthiness is thus one of the greatest qualities of Iman whereas treason is one of the most dangerous traits of hypocrisy, as Allah (Glorified be He) says while describing the believers: ﴾Those who are faithfully true to their Amanât (all the duties which Allâh has ordained, honesty, moral responsibility and trusts) and to their covenants;﴿ Allah (Glorified be He) also says: ﴾O you who believe! Betray not Allâh and His Messenger, nor betray knowingly your Amânât (things entrusted to you, and all the duties which Allâh has ordained for you).﴿

Employees have to fulfill their trust truthfully and faithfully. They have to look after their work and keep their time so that they discharge the responsibility, make sure that their earning is completely pure, please their Lord, and be sincere regarding that matter to their country or to the company or whatever foundation for which they work. It is Wajib (obligatory) on employees to fear Allah and fulfill the trust with the utmost perfection and sincerity seeking the reward from Allah, fearing His punishment, and acting upon Allah's saying: ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due﴿

Again, one of the traits of hypocrites is treason as the Prophet (peace be upon him) said: ﴾Three are the signs of a hypocrite: When they speak they tell a lie, when they make a promise they act treacherously, and when they are entrusted they betray.﴿ (Agreed upon by Al-Bukhari and Muslim). It is not

(Part No. 19; Page No. 355)

permissible for a Muslim to imitate hypocrites. Rather, a Muslims has to stay away from hypocrites' traits, keep their trusts, accomplish their work with the utmost care, and preserve their time. Even when their bosses are lenient or do not command them to consider the foregoing, a Muslim employee should not be careless of their work. Rather, they have to do their best until they become better than their bosses in accomplishing their work and guarding their trust and to be a good example for others.

It is obligatory on employees

to record times of their arrival and departure

Q 214: An employee always keeps the working hours of his organization. He registers the actual timing of his arrival in the registry book. Nevertheless, some of his colleagues register wrong timings. For example, when one of them arrives at seven o'clock; he registers this as half past six and so on. Consequently, those deceiving employees get advantages due to this unlawful and false recording while the concerned employee is deprived of that advantage, because he always records his actual arrival times even when he comes late. Is it permissible for him to do as his colleagues do? What is the ruling on the director who tolerate this

(Part No. 19; Page No. 356)

matter? Does accepting this amongst the employees and making it a habit render it Mubah (permissible)? May Allah reward you with the best!

A: It is Wajib (obligatory) on every Muslim to keep the Amanah (trust) and beware of dishonesty at work regarding attendance, absence, and all other things. Every employee must record the exact time of his arrival and departure to discharge the responsibility. On the other hand, whoever is in charge of some employees has to advise and guide them to goodness, and warn them against breach of trust. May Allah grant us success!

Obligation of keeping working hours

Q 215: I work outside Makkah Al-Mukarramah. It takes between forty five minutes to one hour to get to my work place. I sometimes leave my work to visit the hospital or for another need and I may finish only one hour and a half before the end of my working hours. In such cases, going back to work results in staying there only for the remaining half an hour or less. I thus remain in Makkah Al-Mukarramah and do not go to my work place. What is the ruling on this?

(Part No. 19; Page No. 357)

A: You have to make every effort to go back to your work place as soon as possible to fulfill your work duties. There should be a Shar`y (Islamic legal) reason to permit you to leave your work. If this is the case, you still have to return to your workplace bearing in mind that many things can be accomplished in half an hour.

It is impermissible to use another person on your behalf make functional checks and tests

Q 216: I am an employee in a governmental organization. I received the papers of the medical check and I performed all medical checks except the eyesight test; one of my relatives did it on my behalf. I have been working for ten years for the concerned organization. Please, advise. What should I do? May Allah reward you with the best!

A: Fraud and deception are impermissible whether in eyesight check or any other check. Deputizing another person to do the eyesight check on your behalf is a type of hateful deception. You should inform the concerned organization of what you did. However, if you fulfill the duties of your work; then all praise be to Allah Alone and you should not commit this sin again and have to seek forgiveness from Allah for that.

(Part No. 19; Page No. 358)

Ruling on receiving commission

Q 217: Real estate agent offices usually receive commissions from tenants. For example, a person visits my office and asks me to find them a shop or a flat to rent. The concerned person promises to give me a commission apart from the value of the rent, if I fulfill their requirement. Is such commission Halal (lawful) or Haram (prohibited)?

A: It is permissible for you to receive the concerned commission. However, you have to do your best to find the most suitable shop or flat for whoever needs it. If you also help your customer to agree on the rent with the flat or shop owner, this is also permissible provided that no deception or fraud against the owner or the tenant is there. As long as you are trustworthy and truthful, you are doing well in sha'a-Allah (if Allah wills).

Giving gifts to managers

Q 218: Someone gets closer to their manager through nice words, valuable gifts, and showing them respect though they dislike them and wish they were replaced. Is this considered hypocrisy? It is worth mentioning that the concerned manager has good characteristics.

A: In the Name of Allah and all praise be to Allah Alone. It is Wajib (obligatory) on the person mentioned in the question to be sincere to their manager for the sake of Allah and to make Du`a' (supplication) for them in their absence that Allah may guide them and grant them success. However, the concerned person has to avoid giving gifts to their manager lest it should be considered bribery. Again, the employee has to be sincere to their manager, make Du`a' for them in their Sujud (Prostration) and at the end of their Salah (Prayer) that Allah may grant them success and help them to fulfill the trust (their responsibilities at work) for a believer has to care for and advise their brothers. You have to beware of hypocrisy and bribery. However, nice speech such as 'as-salamu `alaykum i.e. may Allah's peace be upon you', 'how are you?', 'How is your family?', and the like are recommended.

Persons in positions of leadership are responsible for those under them

Q 219: Is it obligatory upon a person in charge of others to command them to perform Salah (prayer)

(Part No. 19; Page No. 360)

at the due time and to observe other religious duties? Is this included in the Hadith that reads: (All of you are guardians and are responsible for your charges) **?**

A: Each person in charge should command those under them to perform the religious duties such as performing Salah on its due time in congregation, rendering trusts back; especially regarding their job, avoiding what Allah has forbidden such as cheating, betrayal and harming auditors, etc. This form of responsibility is included in the Prophet's saying: (All of you are guardians and are responsible for your charges.) Related by Al-Bukhari in his Sahih (book of authentic Hadiths) from the Hadith of Ibn `Umar (may Allah be pleased with both of them).

Ruling on excusing oneself from work for an urgent matter

Q 220: Some employees leave work for personal interests. They ask permission of their manager and fabricate convincing or unconvincing excuses to leave. If the manager knows that these excuses are untrue, is he sinful for

giving them permission?

A: It is not permissible for a chief or a manager of a department or their deputy to endorse a matter if they are not sure of its authenticity. Rather, they should find out whether there is urgent need for the permission or not and that giving a person permission does not harm the work. If there is urgent need and giving permission does not affect the work, there is no blame on them for giving permission. If the manager knows that the excuses are untrue or most likely to be so, he is not permitted to allow them or countersign it, for this is regarded as a breach of trust and disloyalty to those who have confidence in them. The Prophet (peace be upon him) said, ﴾All of you are guardians and are responsible for your charges.﴿ Work is a trust. Allah (may He be Exalted and Glorified) said, ﴾Verily, Allâh commands that you should render back the trusts to those to whom they are due﴿ Describing the believers, Allah (May He be Exalted) said, ﴾Those who are faithfully true to their Amanât (all the duties which Allâh has ordained, honesty, moral responsibility and trusts) and to their covenants;﴿ Allah (Glorified be He) also says: ﴾O you who believe! Betray not Allâh and His Messenger, nor betray knowingly your Amânât (things entrusted to you, and all the duties which Allâh has ordained for you).﴿

221 - It is not permissible to rent bad movies

From `Abdul-`Aziz ibn `Abdullah ibn Baz **to His Eminence the respected brother, may Allah protect you.**

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

I have perused your question submitted to the Department of Scientific Researches and Ifta' no.(208) on 13/1/1407 A.H. which says that you have established a video club. You rent movies and you would like to ask about the ruling of this act.

I want to tell you that the tapes that contain corruption, as you described, may not be purchased, sold or rented and the money gained from that is ill-gotten. As for dealing in useful movies, which are free of deniable acts and helping others to have them, their money is lawful. May Allah guide everyone to things that please Him.

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

General Chairman of the Departments of Scientific Researches

Ifta', Da`wah and Guidance

Ruling on private tuition

Q 222: Some students ask about bringing some teachers to teach them, after school time, the difficult school subjects in return for a sum of money. It is to be noted that it is the student who persistently asks for this. Does the ruling change if the teacher happens to be the same school teacher? Does this act contradict the Hadith which states: ("Seeking knowledge is a duty upon every Muslim") **?**

A: There is no harm if a student brings a teacher to help him with difficult school subjects and whether the tutor is the teacher of the subject or any other teacher unless this is banned by school regulations. In this case, the student should abide by the rules. If there is no rule to ban this, there will be nothing wrong with students receiving tuition outside school.

It is impermissible to commit fraud to participate in employment competition

Q 223: Two friends who meet the requirements of the employment entered the employment competition. One of them takes the tests on behalf of the other. Is this act lawful? Is the salary received lawful if he can do this job?

A: This act is not permissible, as it entails lies and deceit. It also opens doors for unqualified people to occupy jobs unjustly.

Ruling on forging a certificate to get a job

Q 224: A person wants to have a certain job, which he is able to do well and can win the competition (for jobs), but he does not have the certificate which entitles him to enter the competition. Is it permissible for him to forge the certificate to enter the competition? If he succeeds, will his salary be permissible for him?

(Part No. 19; Page No. 365)

A: It seems to me that the pure Shari`ah and legal objectives do not allow such actions, because this is gaining employment by means of lying and deceiving, which are forbidden. In addition, this opens the door to evil and paves the way for deceit. Undoubtedly, those who are entrusted with the task of hiring employees should seek the qualified and trustworthy people as much as possible.

Hiring a non-Muslim for work

Q 225: Can the previous Hadith lend support for the permissibility of hiring non-Muslims to work as servants?

A: This Hadith was reported before the command of getting them out of the Peninsula. The Prophet

(Part No. 19; Page No. 366)

(peace be upon him) commanded at the end of his life to drive them out of the Peninsula, so it is not permissible to bring them to it.

The ruling on men and women working in the same place

Q 226: I am a pharmacy employee and the owner of the pharmacy appointed a woman as a superior over me. What is you advice to me?

A: We advise you to leave the pharmacy, search for another job, be sure of Allah's bounty because Allah says: (And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).) (And He will provide him from (sources) he never could imagine.) If it is possible, advise the owner of the pharmacy to appoint a male superior, because of the Prophet's saying: (Religion is based on exchange of advice.) May Allah grant all success!

The worship of somebody who works in a bank is valid

Q: A Muslim person works in one of the banks that deal with Riba (usury/interest) and receives a monthly salary; is this salary regarded as Riba and consequently is not allowable for him to use? Note that the nature of his work includes writing the documents of usurious transaction. Are Salah (Prayer) and Sawm (Fasting) offered by that person valid?

A: Salah and Sawm offered by this person are valid but with regard to the salary he receives, a fatwa was issued by the Permanent committee for scholarly research and Ifta' in this concern as follows:

Most of the transactions carried out in banks today include Riba, which is prohibited, according to the Qur'an, Sunnah and Ijma` (consensus). The Prophet (peace be upon him) decided that whoever helps the devourer of Riba and its payer with documentation or witness and the like shares their curse and expulsion from Allah's Mercy. It is reported in the Sahih Muslim and other books of Hadith on the authority of Jabir (may Allah be pleased with him) ﴾that Allah's Messenger has cursed

the devourer of Riba (usury/interest), its payer, its two witnesses, and its scribe and he said: They are equal (in sin).﴿ (Related by Muslim)

As for the payment you took, they were permissible for you if you did not know the legal ruling. Allah (Exalted be He) said, ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ However, if you knew that this work was not allowable for you, you should spend the amount of salaries you received in charity or give them to the poor along with repenting to Allah (Exalted be He). In fact, whoever repents to Allah sincerely, Allah accepts his repentance and forgives him. Allah (Glorified be He) says: ﴾O you who believe! Turn to Allâh with sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow (Paradise)﴿ Allah (Glorified be He) also says: ﴾And all of you beg Allâh to forgive you all, O believers, that you may be successful﴿

(Part No. 19; Page No. 369)

Free real estate transactions are

in conformity with the Shari`ah and public interest

All Praise is due to Allah and peace be upon the Messenger of Allah, his family, his Companions and those who follow His guidance. To Proceed:

I have perused the article published in the sixth page of Al-Nadwah newspaper (issue dated 7/11/1401 A.H.) and entitled (real estate free market). I found that the writer encourages postponing the law of freeing real estate rent for some years.

There is no doubt that this issue is one of the general Shar`y matters, which the Prophet of Allah (peace be upon him) explained decisively. This leaves no room personal opinion, Ijtihad (juristic effort to infer expert legal rulings) or preference. It is obligatory on the writer of this article and others to fear Allah, learn and submit to the commands of Allah and His Messenger. Allah (Exalted be He) says: (But no, by your Lord, they can have no Faith, until they make you (O Muhammad صلى الله عليه وسلم) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission.)

(Part No. 19; Page No. 370)

Allah (Glorified and Exalted be He) also says: (It is not for a believer, man or woman, when Allâh and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allâh and His Messenger, he has indeed strayed into a plain error.) The Prophet (peace be upon him) said in Khutbah Al-Wada` (The last religious sermon of Hajj): (Your blood, your properties, and your honors are as sacred to one another as the sanctity of this day of yours in this month of yours in this town of yours.) It is not permissible to take the money of a Muslim brother by

any means except by the Shar`y ways. So, it is known from the regulations of the purified Shari`ah - for the learned and prescient - that fixing the rent of real estates at certain limit or a fixed percentage is unjust action against the owner and unfair taking of his money without right, which is against the Shar`y texts and an act of disobedience to Allah and His Messenger. It is a judgment that goes against what Allah has commanded and improper practice of Ijtihad (juristic effort to infer expert legal rulings).

Allah (may He be Praised and Glorified) is the All-Knowing of the interests of His servants and the consequences of all affairs. He is the Most Just Ruler and the Most Merciful with His creation than themselves. Therefore, He legislated for them the ordinances, which are suitable for their conditions in every time and place. As for the problems which the writer expects to happen

after this law, I see that he jumps to conclusions before its due times but it is rather from the insinuations of Satan. Allah (Exalted be He) says: ﴿Shaitân (Satan) threatens you with poverty and orders you to commit Fahshâ (evil deeds, illegal sexual intercourse, sins); whereas Allâh promises you Forgiveness from Himself and Bounty, and Allâh is All-Sufficient for His creatures' needs, All-Knower.﴾ Allah (Exalted be He) also says: ﴿and follow not the footsteps of Shaitan (Satan). Verily, he is to you an open enemy.﴾ ﴿He [Shaitân (Satan)] commands you only what is evil and Fahshâ (sinful), and that you should say against Allâh what you know not.﴾

It is obligatory on every Muslim to put trust in his Lord (He may be Glorified) in all his conditions and affairs, to expect all good from Allah, be free of illusions and frustrating expectations that hinder his fulfillment of the commands of Allah and being satisfied with His rulings. A person should believe firmly that application of Shari`ah always results in bringing about all good; sooner or later, but evil and harm lie in neglecting or violating it.

The writer of the article has done well in page six of `Ukazh newspaper issued in 11/11/1401 A.H. and entitled: what are the dimensions of freeing the real estate rent rate at the beginning of 1403 A.H. May Allah reward him with the best! The government contributes in solving the crisis of real estates positively and its results are known to every just person

through loans, granting lands, and encouraging contractors to provide residences. Many people benefited from the Real Estate Development Fund and the Bank of Credit as well as many merchants, corporations and institutions in building hotels, malls and residences. By doing this, the crisis has stopped, buildings and stores became available and wages decreased manifestly. Many houses and stores are now closed because of the drop in sale prices and rent. This is not deniable except by an ignorant or a haughty person. As for the problems, which erupt between the lesser and the leaser, the Shar`y courts will handle them efficiently, praise be to Allah.

It is thus known that freeing the real estate transactions is legally required according to the Shari`ah and is in conformity with the public interests and the wise policy.

May Allah grant success to Muslim leaders to do all things pleasing to Him and beneficial to His servants. May Allah reform the conditions of Muslims, grant them firm will to stick to His Shari`ah, for He is the Most Gracious.

May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and his Companions!

General Chairman

of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance

`Abdul-`Aziz ibn `Abdullah ibn Baz!

(Part No. 19; Page No. 373)

Ruling on working in usurious banks

Five years ago, I came to this good country. I suffered a lot at first as I could not find a job. My sponsor failed to find me suitable work to help provide for my big family. I moved to more than four corporations. I finally worked in a bank located in Riyadh as an accountant in the current accounts department. I do my work honestly and earnestly. I was informed that this bank deals in Riba with other usurious banks inside and outside the Kingdom. Furthermore, the outside banks tell my bank to pay interest on the money deposited in the accounts of some customers. Since this information reached me, I suffer terribly. Note that I am married and have two children. At the same time, I seek religious knowledge and like to understand the religion and attend the religious seminars. I will face financial difficulties if I leave this work. I can not put my mind at rest.

(Part No. 19; Page No. 374)

Would you please tell me your Fatwa (legal opinion issued by a qualified Muslim scholar) on this issue?

A: Allah (Glorified and Exalted be He) has made good things lawful for His servants, which provide protection and meet their needs, and has made evil things unlawful. The servant should not resort to things made unlawful by Allah. Instead, he should spare no effort to seek lawful earning. It is not permissible for a Muslim, whether an accountant, clerk, or any else to work in usurious banks, as it entails supporting them in their sins and transgression. Every believing person is obliged to beware of dealing with these banks. Allah (may He be Praised) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ Cooperating with banks, bandits, robbers, bribers or fraudsters comes under the heading of supporting sins and transgression, which is not permissible. You will not be called into account for the past but you are now, after knowing the religious ruling on this issue, accountable for the amount of salaries you receive. Allah (Glorified and Exalted be He) says: ﴾So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ You have to quit this job and perform Tawbah from the past sins. The amount of salaries you received from this usurious bank should be spent in charitable activities such as

(Part No. 19; Page No. 375)

giving Sadaqah (voluntary charity) to the poor and needy to get rid of this unlawful money. It is authentically reported that the Prophet (peace be upon him) ﴾cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He said, "They are all equal."﴿ Every believing person should beware of this act, as Allah says: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ , ﴾and whosoever fears

Allâh and keeps his duty to Him, He will make his matter easy for him.﴿ You should seek another job even if you get paid less. If the monthly salary you receive from the bank is large; say five, six, or ten thousand Riyals, Allah will help you find lawful work, which will suffice you even if the salary is little; say two, three or four thousand Riyals. You have to seek lawful earning and Allah will compensate with what is good. When the Prophet (peace be upon him) was asked about the best gains, he said: ﴾The work of man's own hand and every lawful sale.﴿ He also says, ﴾Nobody has ever eaten a better meal than that which one has earned by working with one's own hands. Prophet David used to eat from the earnings of his own hand.﴿ May Allah grant you success!

(Part No. 19; Page No. 376)

230- Ruling on renting properties to banks

Your Eminence shaykh `Abdul `Aziz ibn `Abdullah ibn Baz, the general Mufty, may Allah guide you to make the Word of Allah superior!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I hope my letter would reach you while you are in the best and most pleasing state to Allah. I hope this question will be answered by Your Eminence personally and be stamped with you due to its critical importance to us.

Q : Is it permissible to rent a building or part of it to the Arab National Bank? May Allah reward you with the best!

A: Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

It is not permissible to rent it to the Arab National Bank or any other Riba (usury/interest)-based bank, for this entails cooperation in sin and transgression, which Allah prohibited in His Saying: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿

(Part No. 19; Page No. 377)

May Allah guide all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh.

General Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz!

Renting a shop to someone who sells song tapes

Q 231: Is it permissible to rent a shop to someone who sells song tapes and musical instruments?

A: It is not permissible to rent a shop to someone who will use it to sell things, which Allah (Glorified be He) prohibited, such as musical instruments, Khamr (intoxicant), tobacco, etc. This is because this is a form of helping in what Allah prohibited. Allah (Glorified be He) says: ﴾but do not help one another in sin and transgression.﴿ It is authentically reported that the Messenger of Allah ﴾cursed Khamr, the one who drinks it, the one who serves it, the one who squeezes it (the grapes, etc), the one for whom it is squeezed, the one who carries it, the one to whom it is carried, the one who sells it, the one who buys it and the one who consumes its price.﴿ This is because those who drink, squeeze, carry or sell it help in sin and transgression.

232. response to the invitation for people to work in banks

All praise be to Allah, the Lord of the Worlds. May the pious have a good end! No attacks, except against oppressors, and may peace and blessings be upon our Prophet Muhammad, and upon his family and Companions!

I have read what was published in some newspapers, advertising job opportunities for young people in banks and inviting them to apply.

On this occasion, I advise young people not to respond to this invitation or apply for jobs in banks, as it entails cooperation in sin and transgression.

I exhort the newspapers not to publish these advertisements, and advise Muslims in charge of banks to exert efforts to turn them into Islamic banks and beware of Riba (usury/interest) in all its forms. Allah (Exalted be He) says: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger﴿

They should also avoid being cursed by the Messenger of Allah (peace be upon him), as it was authentically reported that ﴾He (peace be upon him) cursed the one who consumes (takes) Riba, the one who pays it, the one who writes it down and the two who witness it. He (peace be upon him) said, "They are all equal (in sin)."﴿ This is because Riba is a serious crime and dealing in it is one of the major sins, which puts the doer of it in great danger. It entails punishment in this world and harder still in the Hereafter, except those on whom Allah shows mercy, as this is tantamount to fighting Allah and His Messenger. There is nothing graver than fighting Allah and His Messenger, unless it is erased out by sincere Tawbah (repentance to Allah) and firm determination not to do it again. May Allah guide all the Muslims to what pleases Him and benefits His Servants! He is the All-Hearer, Ever-Near. May peace and blessings be upon our Prophet Muhammad, and upon his family and Companions!

Grand Mufty of the Kingdom of Saudi Arabia

and President of the Council of Senior Scholars

and the Departments of Scholarly Research and Ifta'

Ruling on taking a fee for unlawful work

Q: Are the salaries that employees in banks take generally prohibited or allowable? The reason behind my question is that I heard that these salaries are prohibited for banks deal with Riba (usury/interest). Please enlighten me, for I want to work in one of the banks?

A: It is not permissible to work for banks that deal with Riba for this is regarded as helping in sin and transgression. Allah (may He be Exalted and Glorified) said, ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ It is authentically reported that ﴾the Prophet (peace be upon him) cursed the devourer (taker) of Riba (usury/interest), the one who pays it, its scribe, and its two witnesses. He (the Prophet) said, "They are all equal."﴿ (Narrated by Muslim in his Sahih).

(Part No. 19; Page No. 382)

Ruling on working in banks that deal with Riba

Q 224: I worked in Egypt in one of the state banks whose duty is lending farmers and other people under facilitated conditions and for a period between a few months to a number of years. People take loans whether in kind or cash in return for interests and delay fines determined by the bank when giving the loans. The interest may be 3% or 7% or more or less, over the original sum of the loan. When the time of settlement of the loan becomes due, the bank restores the original amount in addition to the interest and fines in cash and if the debtor defaults, there will be an increase for every day he fails to pay on time.

Thereupon, the funds of this bank are nothing but a collection of interests of loans and delay fines from those who fail to pay in the fixed times and the salaries of bank employees are paid from these funds.

I have been working in this bank for more than twenty years. I got married from the salary of this bank and use it in living, spend from it on my family and give from it in charity and I have no other work. What is the legal ruling in this concern?

(Part No. 19; Page No. 383)

A: The interests and fines for delay that this bank takes are all Riba. It is not permissible to work in this bank, as this is a form of helping in sin and transgression. Allah (glory be to Him) said, ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿

It is authentically narrated from Jabir ibn `Abdullah that ﴾the Prophet (peace be upon him) cursed the devourer (taker) of Riba (usury/interest), the one who pays it, its scribe, and its two witnesses. He (the Prophet) said, "They are all equal."﴿ (Related by Muslim). As for the salaries you took, they are lawful for you, as you were unaware of the legal ruling in this concern. Allah (may He be Exalted said), ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury). So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.) And Allâh likes not the disbelievers, sinners.﴿ However, if you knew that this work was not allowable for you, you should spend the amount of salaries you received in charity or give them to the poor along with repenting to Allah (Exalted be He). In fact, whoever repents to Allah sincerely, Allah accepts

(Part No. 19; Page No. 384)

his repentance and forgives him. Allah (Glorified be He) says: ﴾O you who believe! Turn to Allâh with

sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow (Paradise)﴾ Allah (Glorified be He) also says: ﴿And all of you beg Allâh to forgive you all, O believers, that you may be successful﴾

Ruling on those compelled under certain circumstances to work in banks

Q: What is the ruling on a person compelled under hard circumstances to work in the local banks in the Kingdom, such as the National Commercial Bank, Riyadh bank, Al-Jazirah Bank, the National Arab Bank, Al-Rajihy company for exchange and trading, Al-Ka`ky office for exchange, the Saudi American Bank and other local banks, knowing that they open saving accounts for clients where the employee occupies a clerical post, such as accounts clerk, auditor, central agent, and the like administrative posts. These banks have many advantages that attract employees, such as housing allowance that equals twelve

(Part No. 19; Page No. 385)

thousand Riyals approximately or more, in addition to giving a bonus that equals the salaries of two months at the end of the year. What is the ruling on this?

A: Working for banks that make usurious dealings is not permissible, for it is authentically reported that the Prophet (peace be upon him) ﴾cursed the devourer (taker) of Riba (usury/interest), its payer, its scribe and its two witnesses. He (peace be upon him) said, "They are all equal."﴿ Narrated by Muslim in his Sahih. Working for these banks is also a form of cooperation in sin and transgression, whereas Allah (may He be Praised) says: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿

It is impermissible to work in banks even if for repaying debts

To your Eminence Shaykh `Abdul `Aziz ibn `Abdullah ibn Baz, the Grand Mufti, may Allah safeguad you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I want to inform you that I have a son who owes a debt i.e. about one hundred thousand riyals, which he spent on his marriage and a private car. He joined the National Bank as a correspondent in return for a salary that is about one thousand and five hundred Riyals. Some people say that his salary is unlawful while others say that it is lawful. Allah knows that he joined this bank under necessity, to pay off the debt and support his family. Please, answer us as soon as possible, may Allah safeguard you!

A: Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

It is not permissible to work in usurious banks, such as the National Bank mentioned above. It is obligatory on your son to leave the mentioned bank and search for work in other sound places. May Allah facilitate and amend his affairs and those of every Muslim!

Ruling on giving one's daughter in marriage to someone who works in a bank

Q 237: A young man proposed to marry my daughter; he is 27 years old. We agreed on everything but the young man works in a usurious bank. When we asked him to leave the bank, he said that if he finds another job, he would not mind, provided that he will be paid a salary that approximately equals what he is given at the bank. He provides for two families and his work in the bank is in the department of exchange. Please, give me a fatwa. Am I blamed if I consent to the proposal of this person?

A: If the case of the one proposing for marriage is as stated, then our advice is that you should not consent to his proposal as long as he continues in the mentioned work. May Allah guide us all to what pleases Him!

working in banks is not permissible and obligates Tawbah

Q 238: I work in a bank. Is my salary Haram (prohibited)? If so, what should I do? I have been working in this bank for five years now; what is the ruling on the salaries that I have been paid during this time? I have not saved anything from them,

(Part No. 19; Page No. 388)

as I spent them on my children and used them to repay my debts. Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) and may Allah reward you with the best!

A: You should leave your job and make Tawbah (repentance to Allah) for what you have done after you learned about this, all praise be to Allah. As for the past, we hope that Allah will forgive you, as He (Glorified and Exalted be He) says in His Glorious Book: ﴾So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge)﴿ Anyone who receives an admonition and an explanation of the ruling, and then refrains from what they have been doing and makes Tawbah, they may have what is past. In effect, you are excused for what you did in the past out of ignorance. We ask Allah to forgive you and, in the future, do not return to Riba, as Allah says: ﴾but do not help one another in sin and transgression.﴿ You should leave your job, which entails helping in sin and transgression, and seek a different job in which there is no cooperation in sin and transgression.

Stakes

Playing cards and chess is not permissible

Q 239: Is it permissible to play cards? What is the ruling on playing chess? You should bear in mind that they distract people from Salah (Prayer).

A: These two games are not permissible, for they distract people from Dhikr (Remembrance of Allah) and Salah. They waste time and may incur enmity and dissention. This is if the game does not involve betting or gambling. However, if it includes stakes, the prohibition is severer, for it is thus one of the kinds of gambling, which is unquestionably Haram (prohibited). May Allah grant us success!

Q: We often play cards with rich people and give the winner an amount of money; is this game unlawful? Is it a form of gambling? A: The game, as you described it, is unlawful and considered a kind of gambling,

which Allah (Exalted be He) mentioned in His Saying, ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿

Muslims have to fear Allah (Exalted be He) and avoid this game and other kinds of gambling in order to be successful and to be on the safe side as this game results in many evils as mentioned in the two verses. It is horse-racing, camel racing, and archery that are permissible, for the Prophet (peace be upon him) said: ﴾Wagers are not allowed expect for an arrowhead (i.e. archery), or a pad (i.e. camel racing), or a hoof (i.e. horse racing).”﴿ May Allah grant us success!

Q 241: What is the ruling on playing cards and chess?

A: This kind of amusement is forbidden, because it distracts people from the remembrance of Allah and Salah. This is well-known to the scholars, since this playing distracts and prevents goodness, causes rivalry

(Part No. 19; Page No. 393)

and great evil among the players. It may cause them to neglect the religious duties that Allah ordains.

Ruling on boxing, bullfighting,

and freestyle wrestling

Q 242: Brother A. A. K from Kafr Al-Sheikh governorate, Arab Republic of Egypt, asks about ruling on boxing, bullfighting, and freestyle wrestling?

A: A: Boxing and bullfighting are Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect), for the great harm and danger they include. Moreover, bullfighting is a form of unfair torture of animals. However, freestyle wrestling may be practiced if it does not involve danger, harm or uncovering one's `Awrah (private parts of the body that must be covered in public), for there is a Hadith that the Prophet (peace be upon him) wrestled Rukanah ibn Yazid and defeated him. This is because the original ruling is that things are permissible unless prohibited by the purified Shari`ah (Islamic Law). However, the Islamic Fiqh Academy, an affiliate of the Muslim World League has issued a decree prohibiting boxing and bullfighting for what was previously mentioned. This decree reads as follows:

The third decree regarding the issue of boxing, freestyle wrestling and bullfighting:

Praise be to Allah, Alone. May peace and blessings be upon the last Prophet, our master and Prophet Muhammad (peace be upon him) and upon his family and Companions!

The Islamic Fiqh Academy of the Muslim World League in its tenth round which was held at Makkah Al-Mukarramah in the period from Saturday Safar 24, 1408 A.H./October 17, 1987 A.D. to Wednesday Safar 28, 1408 A. H./ October 21, 1987 A.D. studied the issue of boxing, freestyle wrestling as lawful sports and bullfighting as practiced in some foreign countries and examined the question whether they permissible sports in Islam.

Broad discussions are made about all aspects of this issue and inspected the results of such kinds of practices that have been classed as sports and broadcasted through TV programs in Islamic and non-Islamic countries.

After looking into the studies submitted to the council in its previous round from the competent doctors in this regard and the information provided from some statistics

(Part No. 19; Page No. 395)

regarding the consequences of boxing and the tragic incidents seen on TV resulting from it, the council decided the following:

First: Boxing

The Academy Council has unanimously agreed that boxing that is practiced nowadays in contests and sport venues in our countries is a prohibited practice in the Islamic Shari`ah, since it is based on permitting the injury of the fighters to the extent that could lead to blindness, permanent severe brain damage, serious fractures or death, without imposing any liability on the other party, along with the joy experienced by the spectators of the winner and the feelings of happiness for the injury of the looser, which is an absolute prohibited and rejected act in Islam, for Allah says (Exalted be He): ﴾and do not throw yourselves into destruction (by not spending your wealth in the Cause of Allâh)﴿ Allah (Exalted be He) also says: ﴾And do not kill yourselves (nor kill one another). Surely, Allâh is Most Merciful to you.﴿ Moreover, the Prophet (peace be upon him) said: ﴾There should be neither causing nor reciprocation of harm.﴿

(Part No. 19; Page No. 396)

Thus, the jurists of Shari`ah declared that if a person makes his blood violable to someone else by telling him: (kill me), it is impermissible for him to do this and if he does this, he shall be liable for that and will be punished.

The council decides that it is impermissible to consider this sort of boxing as a sport or to practice it, for the connotation of sport is based on practicing without causing harm or injury. It should be removed from local sporting programs or international contributions. The council also decides the impermissibility of broadcasting such contests on TV shows to protect the young from learning bad acts or trying to imitate it.

Second: Freestyle wrestling

As for the freestyle wrestling in which either wrestler finds it lawful to hurt the other and cause him injury, the council views that it resembles boxing, even if there are slight differences between them, for all prohibitions that have been denoted in boxing exist in freestyle wrestling, which takes the nature of fight and thus falls under the same ruling of prohibition. Regarding the other types of wrestling practiced for physical exercise without causing any injury, they are legally permissible and the council does not see that they are prohibited.

Third: Bullfighting

Bullfighting that is practiced in some countries

(Part No. 19; Page No. 397)

in which bulls are being killed through the efficiency of the matadors using weapons is also prohibited, since it is legally impermissible in Islam, as it leads to unkind killing of such animals by means of torture as they are stabbed in their body. This fight frequently leads to the death of the bull, which is a brutal act that is rejected by the Shari`ah of the Messenger (peace be upon him) who said in the Sahih (authentic Hadith): ﴾A woman has entered Hellfire because of a cat, which she tied up and did not feed or set free to feed upon the vermin of the earth.﴿

Thus, if locking up a cat entails entering Hellfire on the Day of Resurrection, what about the torture of a bull with weapons leading to death!

Fourth: Provoking fights between animals

The council also declares the prohibition of some practices, which take place in some countries where people provoke fights between animals such as camels, rams, cocks and others until they kill or injure each other. May Peace and blessings be upon our Prophet, Muhammad, his family, and Companions! All praise be to Allah Alone.

(Part No. 19; Page No. 398)

Ruling on some shops

offering prizes for those who buy their goods

Praise be to Allah and peace and blessings be upon the Messenger of Allah, his family and Companions.

Some institutions and shops publish advertisements in newspapers and elsewhere offering prizes to whoever buys their products. This entices people to buy specifically from their shops or to buy unnecessary goods hoping to receive such prizes. Given that this is considered a form of prohibited gambling leading to misappropriating peoples' money and promoting one's goods and dropping off the sales of others who do not offer these raffle drawings and gambling. I would like to advise people that this act is Haram (prohibited) and the prize is also Haram, for it is gained by way of prohibited gambling. Merchants must refrain from this form of gambling, taking into account the needs of people. Allah (Glorified be He) states,

(Part No. 19; Page No. 399)

﴾O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another). Surely, Allâh is Most Merciful to you.﴿ ﴾And whoever commits that through aggression and injustice, We shall cast him into the Fire, and that is easy for Allâh.﴿ This gambling is not considered a kind of trade that is permitted by mutual consent; rather, it is gambling, which Allah prohibits for it entails chance, deception, and misappropriating people's money, which sows enmity and animosity among people. Allah (Glorified be He) states, ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿

Allah is the One Whom we invoke to grant us and all Muslims success and protect us from any action that contradicts the Shari`ah (Islamic law). He is the Most Generous. May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and Companions!

Chairman of the Departments of Scholarly

Research, Ifta', Da`wah, and Guidance

(Part No. 19; Page No. 400)

Ruling on participating in competitions

that stipulate sending coupons

Q 244: Some Islamic and non-Islamic magazines and newspapers hold meaningful competitions, which include various questions that require readers to give correct answers to them to get prizes. The prizes are given to the winning participants by drawing lots. However, it is a condition of these competitions that the answers have to be sent attached to coupons that are cut out of a magazine or the newspaper, which obliges participants to buy the magazine or the newspaper to get this coupon, and they may win or lose.

What is the ruling of the Shari'ah (Islamic law) on participating in competitions that stipulate sending these coupons along with the answers, which entails buying the magazine in order to win? Is this considered to be a form of gambling or lottery, or not? May Allah reward you with the best! I hope that you will answer mentioning the evidence and discuss it. As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

(Part No. 19; Page No. 401)

A: This transaction is a form of gambling, because the participants may win or lose. Allah (Glorified and Exalted be He) says: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿

May Allah guide the Muslims to apply His Law and beware of all that He has prohibited! He is the All-Hearer, the Ever-Near.

Car drawing

on purchase coupons is gambling

Q 245: A mall in our city displayed a car in front of its main entrance as a prize for the customers who buy goods for one hundred dirhams or more. The customer will have a coupon with a certain number and the phrase 'ten-dirham value' is printed on it. After they draw, the lucky one will win the car. My question is:

1- What is the ruling on participating in such draws by getting this free coupon. It is worth mentioning that the participator will lose nothing

(Part No. 19; Page No. 402)

if he does not win.

2- What is the ruling on buying from this mall, for the purpose of getting this coupon in order to participate in the draw?

Since people here, including the cultured, are confused concerning this matter, I hope Your Eminence will answer the two attached questions and support them with proofs, so that Muslims can understand their religion correctly. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: This dealing is considered a kind of gambling, which Allah has prohibited in His Saying: ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿ Therefore, the rulers and the people of knowledge in your city and elsewhere should denounce and warn against this kind of dealings, for it is against the Book of Allah and entails usurping the wealth of people wrongfully. May Allah grant us all guidance and uprightness!

(Part No. 19; Page No. 403)

Chapter on Al-Ghasb (usurpation)

Ruling on smuggling books and cassette tapes

Q 246: I am from a country where I cannot bring books and tapes to it except through smuggling and paying money for those who help me do this. What is the ruling on this, bearing in mind that we are in bad need of these books and cassette tapes? Also, in this Muslim country there are some buildings that pertain to the government and people are compelled to live in them without the permission of the country and these building have not been completed yet. What is the ruling on living in them or selling them taking into consideration that people reside in them without any objection on the part of the government?

A: There is no harm in bringing useful books and cassette tapes to your country if they are good and valid so that Muslims may benefit from them even if this requires giving the employees some money provided that they are of use and their contents comply with the way of Ahl Al-Sunnah wal-Jama`ah (those adhering to the Sunnah and the Muslim community).

(Part No. 19; Page No. 404)

As for the buildings of the state, it is not permissible to live in them except with the permission of the government. It is not allowable to pay a bribe in order to live in them if the country allocates them to certain people with determined conditions and therefore, those who meet the conditions are allowed to live in them and no one else. One should not rely on the betrayal of employees.

Impermissibility of making telephone calls from the central without the permission of its owners

Q 247: I know a relative of mine who works in a central and switches some international calls to me for free while the owners of the central do not know. Am I sinful for doing so, even if the owners of the telephone exchange are rich?

A: Doing so is impermissible unless with their permission. It is a treachery on the part of your relative. We ask Allah to guide you, him and us.

Chapter on Shuf`ah

248-

Shuf`ah in private utilities

and in indivisible real-estate

Praise be to Allah alone and may peace and blessings be upon the Last Prophet; Prophet Muhammad and upon his family and Companions!

In the light of the provisions of the seventh round of the Council of Senior Scholars held in the city of Al-Ta'if in the first half of Sha`ban, 1395 A.H., regarding the inclusion of the issue of Shuf`ah (pre-emption) in private utilities in the agenda of the eighth round, the issue concerned was studied in the eighth round of the council held during the first half of Rabi` I in Riyadh. The issue

of Shuf`ah in indivisible real-estate was also studied.

After examining the research presented in this respect by the Permanent Committee for Scholarly Research and Ifta'

and exchanging views and discussions made by members, the Council decided by majority that the right to Shuf`ah is established by sharing in private utilities such as wells, roads, ravines and the like. Moreover, it is a right established in indivisible real-estates such as small houses, shops and the like. This is based on the generality o evidence in this regard. This is also because these issues are ruled by the same reason for establishing the right of Shuf`ah (pre-emption) i.e. averting the harm that may afflict the partner regarding the sold object and the right to it. For example, it is related by Al-Tirmidhy from Ibn `Abbas (may Allah be pleased with both of them) that the Prophet (peace be upon him) said: (A partner has right to pre-emption and pre-emption is in everything.) According to the narration related by Al-Tahawy on the authority of Jabir Ibn `Abdullah (may Allah be pleased with both of them), the Prophet (peace be upon him) judged that Shuf`ah is in everything. Al-Hafizh said: The Hadith of Jabir is related through a reliable chain of narrators. Moreover, Imam Ahmad and the Four Compilers of Hadith (Imams Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah) reported from Jabir Ibn `Abdullah (may Allah be pleased with both of them) that the Prophet (peace be upon him) said, (The neighbour is most entitled to the right

of pre-emption and he should wait for its exercise even if he is absent when the two properties have one road.)

Furthermore, Al-Bukhary reported in his Sahih and Abu Dawud and Al-Tirmidhy reported in their Sunan that Jabir ibn `Abdullah (may Allah be pleased with them) said: (The Prophet (peace be upon him) gave a verdict regarding Shuf`ah (Pre-emption) in every indivisible joint thing (property). But if the limits are defined (or demarcated) or the ways and streets are fixed, there is no Shuf`ah.) Highlighting the legal significance of this evidence, Ibn Al-Qayyim (may Allah be merciful with him) said in his book I`lamu-l-Muwaqqi`in, "A neighbor who shares a private utility with another neighbor e.g. they share a road, a well, a ravine or the like, is not considered to be having a defined share; rather, he shares with his neighbor only some rights in the property. For example, in the case of a joint road, there will be no such defined limits; rather, there will be only some limits

defined. Defining all limits entails that roads and streets are divided." End of quote.

May Allah grant us success! May peace and blessings be upon Prophet Muhammad, his family and Companions!

Chairman of the round

and `Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 19; Page No. 409)

Chapter on Trusts

Ruling on giving one's heir some money without asking him to repay it

Q 249: My husband died 35 years ago leaving behind six children. My mother gave me a sum of money without defining whether it is an aid for my children or a trust. She only delivered the money to me and then died. I do not know the ruling on the money I have. Actually, I have disposed of it. Am I liable to pay Zakah (obligatory charity) or charity on it? Answer me, may Allah reward you the best!

A: If she gave it to you as a present or an aid, it would be yours only if she has no other children, in which case it will be alright. However, if she only gave it to you as a trust, you would have to divide it among the heirs including you. If you are the sole heir, it will be yours as a fard (fixed share of inheritance) and radd (redistribution of the remainder of inheritance after giving the fixed shares) if there are neither agnate heirs nor offspring. If there are other heirs, you will receive your share and the remainder will be for other heirs. For example, if you

(Part No. 19; Page No. 410)

have brothers and sisters, you will share the money, a male having a share equal to that of two females. If you have a sister or more, you will have two-thirds of it jointly and the remainder will be given to the agnate relatives. However, the whole case should be referred to the court in your country to judge it, in sha'a-Allah (if Allah wills).

Ruling on borrowing from

trust fund

Q 250: Some benevolent people placed their confidence in me and assigned me as treasurer for the donations of building a secondary school. I needed this money to build my house and I took it while the school was being built.

Then, I gave this money to the committee responsible for the school and told them that this money was given by a benevolent person who did not want to mention her name. It was the money that I took before but I felt ashamed to say so. Am I sinful for taking money, which I repaid later and how should I repent? Enlighten me, may Allah confer mercy upon you!

A: It is not permissible for anybody entrusted with money of any project to

(Part No. 19; Page No. 411)

use it in their affairs but they should preserve it and spend it in its right position. You are required to repent to Allah from what you did and from telling lies that you made to conceal your treachery. If a person repents sincerely to Allah, Allah will accept him. Allah (Exalted be He) said, (O you who believe! Turn to Allâh with sincere repentance!) Allah (Glorified and Exalted be He) also says: (And all of you beg Allâh to forgive you all, O believers, that you may be successful) Sincere repentance includes regretting what one committed in the past and quitting sins out of fearing Allah and glorifying Him. Also, one must intend sincerely not to commit sins again and return the rights to their people, if they are blood, money or honor or ask the wronged people to forgive and absolve him. Moreover, if the sin is backbiting and one fears that telling those he spoke badly about will cause greater harm, he should not tell them but should supplicate for them and ask Allah's forgiveness for them and in the meantime he should speak good about them in places that he backbit them.

Ruling on investing a deposit without the knowledge of its owner

Q 251: Someone entrusted some money to me and I made use of this money and invested it. When the owner of the money came,

I gave him all of his money, but I did not tell him how I had made use of it. Was what I did permissible or not?

A: If anyone entrusts something to you, you do not have the right to use it without his permission. You have to keep and take care of it in the manner that is usual. If you make use of it without his permission, you have to seek his forgiveness. If he forgives you, then all is well and good; otherwise you have to give him the profit made with his money or try to reach some agreement with him to take half each, or some other agreement. Reconciliation is permissible among Muslims unless it makes something that is lawful unlawful or vice versa.

Ruling on depositing money in usurious banks without receiving interest

Q 252: When I opened a current account in a usurious bank, I stipulated that no interest should be paid on the money I deposit. In other words, I told them that I want to entrust them with my money. I want to know whether my account is affected by the Riba-based dealings the bank makes. I am keen to release myself from guilt and to have pure money.

(Part No. 19; Page No. 413)

It is noteworthy that this bank gives interest-bearing loans and pays interest on the money deposited in some accounts.

What is the Islamic ruling on my account, given that the capital cycle and the banking systems applied to such usurious activities?

What is the ruling on depositing money in banks that use Islamic financial systems? Please, advise. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: There is nothing wrong with depositing money, when necessary, in banks without receiving interest on the money. Yet, if you are able to deposit the money in a non-usurious bank, it would be safer and better. The Prophet (peace be upon him) said: ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ The Prophet (may Allah's Peace and Blessings be upon him) also says: ﴾Anyone who avoids the doubtful things keeps his religion and honor blameless..."﴿ May Allah grant us success!

Ruling on depositing money in usurious banks

Q 253: Is it permissible for a person who has a sum of money to put it in a bank as a trust while he pays the Zakah due on it when a year passes, is this permissible or not? Please, advise. May Allah reward you with the best!

A: It is not permissible to deposit money as a trust in banks even without taking interest because this implies helping them in sin and transgression, which was prohibited by Allah. Yet if one has to protect one's money and does not find but usurious banks, then there is no harm in sha'a-Allah (if Allah wills), for the necessity. Allah (may He be Praised) says: ﴾while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴿ Once one finds an Islamic Bank or a trustworthy place apart from cooperation in sin and transgression wherein one can deposit one's money, it is not permissible for one to deposit it in a usurious bank.

(Part No. 19; Page No. 415)

Q 254: What is the ruling on working in banks and depositing money in them without taking interest on the money?

A: There is no doubt that working in banks that deal in Riba (usury) is not permissible, as it entails cooperation with them in sin and transgression. Allah (Glorified be He) states: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allâh. Verily, Allâh is Severe in punishment.﴿ It is authentically reported that the Prophet (peace be upon him) ﴾cursed the one who accepts Riba, the one who gives it, those who witness it, and the one who writes it. He (peace be upon him) said, "They are all equal.﴿ Related by Muslim in his Sahih (authentic) Book of Hadith.

With regard to depositing money in banks in return for a monthly or an annual interest, it is a prohibited Riba according to Ijma` (consensus of scholars). As for depositing money without interest in a bank that deals in Riba, it is safer to let that except in cases of necessity, because this entails helping them in usurious transactions. Thus, an account owner may be helping in sin and transgression, even if they do not mean it. We should beware of what Allah prohibited and seek the right ways to keep money.

(Part No. 19; Page No. 416)

May Allah guide Muslims to what brings them happiness, honor, and security! May Allah help them establish Islamic banks that do not deal in Riba! He is the One Capable of doing so.

Q 255: What is the legal ruling on a person who deposits his money in banks without taking interest?

A: It is impermissible neither to deposit in banks for profit nor to take a loan for profit because this is an act of sheer Riba (usury/interest). It is also not permissible to deposit in places other than banks for profit, nor to take a loan with interest from anyone. Rather, this is unlawful according to all religious scholars because Allah (may He be Praised) says: ﴾whereas Allâh has permitted trading and forbidden Ribâ (usury).﴿ He (may He be Praised) also says: ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.)﴿ And: ﴾O you who believe! Be afraid of Allâh and give up what remains (due to you) from Ribâ (usury) (from now onward), if you are (really) believers.﴿ ﴾And if you do not do it, then take a notice of war from Allâh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).﴿ Then, Allah (may He be Praised) says after all that: ﴾And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay﴿

(Part No. 19; Page No. 417)

With these Ayahs (Qur`anic verses) Allah (Glorified be He) draws the attention of His Servants towards that it is not permissible to ask a person who lacks money to pay off what he owes nor to overburden him with additional money that he should pay to defer the debt. Rather, he should be granted time until it is easy for him to repay it without obliging him to pay any increase due to his failure to repay it on time. This is out of Allah's (may He be Praised) Mercy and Kindness to His Servants and protecting them from oppression and greediness that causes them harm and brings them no benefit. As for depositing in banks without taking interest, there is no harm in doing so if a Muslim is under necessity of compulsion.

Ruling on Depositing moneys in Banks

(Part No. 19; Page No. 418)

﴾while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴿

Depositing in Banks is permissible in case of Necessity

Q 257: A questioner from Al-Ladhiqiyyah in Syria inquires: I have a sum of money which I deposited in a bank in trust, is this permissible? Guide me, may Allah reward you

(Part No. 19; Page No. 419)

with the best!

A: It is not permissible to deposit money in Riba (usury/interest)-based banks, even if you do not take interests, for this entails helping them in sin and transgression, which Allah (Glorified be He) prohibits. However, if the necessity arises and you find no place where you could keep your money safe except in Riba-based banks, there is no harm on you in sha'a-Allah (if Allah wills) out of necessity. Allah (Glorified and Exalted be He) says: ﴾while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴿ If there is an Islamic bank or safe place where you could deposit your money and does not cooperate in sin and transgression, it is not permissible for you to deposit it in the Riba-based banks. Allah is the Grantor of success!

ruling on depositing money

in banks in non-Islamic countries

Q 258: We live in a non-Islamic country and we have been blessed by Allah with a lot of money, which we need to save in one of the American banks. We, the Muslims, deposit our money in these banks without taking any Riba (usury/interest).

(Part No. 19; Page No. 420)

They are pleased with this, but they accuse us of being foolish, because we leave our money for them, and they use the Muslims' money to spread Christianity.

My question is whether we can benefit from this interest and use it to help poor Muslims or build Masjids (mosques) and Islamic schools. If a Muslim takes this interest and spends it in Allah's Cause, such as to donate it to the Mujahids (people fighting in the Cause of Allah) and their families, are they sinful?

A: It is not permissible to deposit money in Riba-based banks, whether those in charge of them are Muslims or not, because this entails helping them in sin and transgression, even if it is done without taking interest. However, if you are forced to deposit your money in the bank without interest, there is nothing wrong in this, In sha'a-Allah (if Allah wills), as Allah (Glorified and Exalted be He) says: ﴾while He has explained to you in detail what is forbidden to you, except under compulsion of necessity﴿ However, if you deposit it with the condition of interest, the sin is greater, because Riba is one of the gravest of major sins, which is prohibited by Allah in His Glorious Book and by His Messenger. Allah tells us that Riba will be destroyed, and that those who deal in it have fought Allah and His Messenger. People who have wealth can spend from it on charity, doing good and supporting the Mujahids.

(Part No. 19; Page No. 421)

May Allah reward them for this and replace it with something better. As He (Glorified be He) says: ﴾Those who spend their wealth (in Allâh's Cause) by night and day, in secret and in public, they shall have their reward with their Lord. On them shall be no fear, nor shall they grieve.﴿ He (Glorified be He) also says: ﴾and whatsoever you spend of anything (in Allâh's Cause), He will replace it. And He is the Best of providers.﴿ This includes Zakah (obligatory charity) and Sadaqah (voluntary charity). It was authentically reported that the Messenger of Allah (peace be upon him) said, ﴾"Sadaqah never decreases wealth; and Allah only increases a Servant for showing pardon in honor; and no one ever humbles themselves to Allah, but Allah raises them (in status)."﴿ It was also authentically reported that he (peace be upon him) said, ﴾"There is not a day that Servants wake up in the morning without two angels coming down, one of them says, 'O Allah! Give in compensation to the one spending (for Your Sake),' and the other says, 'O Allah! Give loss to the one withholding.'"﴿

There are many Ayahs (Qur'anic verses) and Hadith on the virtue of spending money on good and

giving Sadaqah to those who are in need.

(Part No. 19; Page No. 422)

However, if the owner of money takes Riba-based interest out of ignorance or negligence, and then Allah guides them to the Right Path, they should spend it on doing good and charitable deeds, and not keep it with their money, because Riba destroys the money it is mixed with, as Allah (Glorified be He) says: ﴾Allâh will destroy Ribâ (usury) and will give increase for Sadaqât (deeds of charity, alms, etc.)﴿

Chapter on revitalizing barren lands

Ruling on barren lands

Q 259: The government of an Arab country has taken barren lands from their original owner and distributed them among other people. We hope that Your Eminence will illustrate the ruling of Islam on that issue.

A: The Prophet (peace be upon him) clarified the ruling on barren land in his saying: ﴾If anyone brings barren land into cultivation, it belongs to him.﴿ ﴾"Whoever cultivates land that does not belong to anybody is more entitled to it."﴿ The government in your country and other countries should rule

between people according to Islam and prevent people from exceeding the legal limits. People in authority should urge people to cultivate unproductive land and distribute it among them fairly

according to their capability and will. If a person seizes a piece of barren land and does cultivate it, he should be cautioned and given a chance for a certain time to cultivate it. If he does not make use of it in the determined period, the land should be taken from him and given to another person to farm it and he should be supported to do that. However, if the land is already in the possession of some people, it is not allowable for the government or anyone else to take it from their owners unless they give it willingly or by legal contracts such as selling, Ijarah (a lease for a lawful identified use or a hiring agreement), `Ariyah (permission to benefit from a borrowed article whose use is permissible, which is eventually returned to its owner), Muzara`ah (giving land for cultivation in return for a specified portion of the harvest) or other legal contracts. Allah (Exalted be He) says: ﴾O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another). Surely, Allâh is Most Merciful to you.﴿ ﴾And whoever commits that through aggression and injustice, We shall cast him into the Fire, and that is easy for Allâh.﴿ ﴾And whoever among you does wrong (i.e. sets up rivals to Allâh), We shall make him taste a great torment.﴿ The Prophet (peace be upon him) said: ﴾Allah (may He be Exalted) says, "O My servants, I have forbidden wrong for Myself and have forbidden it among you, so do not wrong one another."﴿ (Reported by Muslim in his Sahih) It is authentically reported that Allah's Messenger

said on the Day of Nahr (Sacrifice, 10th of Dhul-Hijjah, when pilgrims slaughter their sacrificial animals (in the Farewell Hajj (Pilgrimage), ﴾Your blood, your properties and your honors are as sacred to one another like the sanctity of this day of yours in this month of yours in this town of yours.﴿ Also, the Prophet (peace be upon him) said in the authentic Hadith: ﴾The Muslim is inviolable for his Muslim brother, as for his blood, wealth and honor.﴿ It is recorded in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) that the Prophet (peace be upon him) said: ﴾"If anyone takes a span of land unjustly, his neck will be encircled with it down seven earths on the Day of Resurrection."﴿ Also, Muslim reported in his Sahih on the authority of Amir Al-Mu'minin (Commander of the Believers), `Aly ibn Abu Talib, (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Allah has cursed the one who slaughters (a sacrifice) to other than Allah; Allah has cursed the one who curses his parents; Allah has cursed the one who shelters an innovator (in religion); Allah has cursed the one who changes the marks of the land."﴿

Scholars said that this Hadith includes those who change the marks and bounds of land. If we take into consideration that those who change the marks and bounds of land

are cursed due to that this gives birth to troubles and disputes and injustice to neighbors, then what may one think of those who seize land forcefully from their owners and give them to others without legal permission.

We ask Allah to give us safety from all that displeases him and contradicts His Shari`ah. The Ayahs (Qur'anic verses) and Hadiths that assure the obligation of revering Muslims properties and warn against injustice are many but we hope that what we mentioned is useful in this regard. We implore Allah to rectify the conditions of Muslims and set right their ruler and guide them to His Way and help them adhere to His Religion and rule according to His Shari`ah (law) and avoid what contradicts it. He is the One Who is Able to do that. May Peace, Blessings and Mercy of Allah be with you!

(Part No. 19; Page No. 427)

Chapter on Luqatah

(Part No. 19; Page No. 428)

(Part No. 19; Page No. 429)

Luqatah should be announced for one full year

Q 260: I found some lost gold Luqatah (a lost item found by someone else) and sold it, and gave the money in charity. My intention, if I find the owner, and he does not like what I did, is to give him the value of the gold, because I found it in the middle of a big city. Is there any sin on me for what I did?

A: What you or anyone else who finds valuable Luqatah should do is to announce it for one full year in the places where people gather, two or three times each month. If it is identified by the owner, then hand it over to him, otherwise the finder can keep it after one year, because the Prophet (peace be upon him) gave instructions to this effect. An exception is made in the case of Luqatah found in Al-Haramayn (the Two Sacred Mosques: the Sacred Mosque in Makkah and the Prophet's Mosque in Madinah) the finder cannot keep it, and it should be announced indefinitely until its owner is found, or the finder can hand it over to the authorities in charge of Al-Haramayn so that they can keep it for the owner, because the Prophet (peace be upon him) said concerning Makkah that ﴾Property lost in Makkah is not permissible for anyone except its owner.﴿ The Prophet (peace be upon him) said: ﴾I made Madinah sacred just as Ibrahim made Makkah sacred ﴿

(Part No. 19; Page No. 430)

(agreed upon by Imams Al-Bukhari and Muslim)

But if the Luqatah is of insignificant value and the owner will not be bothered about it, such as a rope or shoelace or a small amount of money, then the finder does not have to announce it, and he can make use of it or give it to charity on behalf of the owner. This does not apply in the case of lost camels and other animals that are safe from small predators such as wolves etc.. It is not permissible to keep these animals, because the Prophet (peace be upon him) said to the one who asked him about that: ﴾Leave it alone, for it has its feet and its water, and it can eat the trees until it finds its owner.﴿ (Agreed upon by Al-Bukhari and Muslim) May Allah grant us success!

The ruling on Al-Luqatah if it is not declared

Q 261: I found an amount of riyals. I took them and spent them; what should I do?

A: It is obligatory that you to declare Al-Luqata (a found item that belongs to unknown person) for one full year; twice or thrice a month, saying: "Who lost some dirhams in such and such place?". You should declare it in gatherings, on the doors of

Masjids (mosque) or in markets. If one year passes and you do not find its owner, Al-Luqata is yours. If its owner comes and gives you its description, you should give it to him because you kept it as a trust for him. If you haven't not declare it and have kept silent about, you should give it in charity on behalf of its owner because you have not pursue the reasons that make it lawful for you to keep it; which is declaration. The owner shall have the reward [of giving it in charity. Ed.] by the will of Allah (Glorified and Exalted be He). May Allah grant us success!

Ruling on anyone who takes a pair of shoes in place of his lost one in Al-Haram

Q 262: Whenever I go to Al-Haram (the Sacred Mosque in Makkah) to perform Sa`y (going between Safa and Marwah during Hajj and `Umrah) or Tawaf (circumambulation around the Ka`bah), I put my shoes in some place, but when I return back I do not find them. Is it permissible for me to wear any other pair of shoes or should I walk barefooted, though you know how hot is the asphalt road outside Al-Haram. It is worthy to be mentioned that there are many pairs of shoes in Al-Haram that belong to no one?

A: You should keep your shoes in a trustworthy place or keep it in your hand while performing Tawaf or Sa`y, as the matter is flexible. You can also put them on while performing Tawaf or Sa`y, if they are clean. Do not be careless and do not take the shoes of others as you would not like anyone else

(Part No. 19; Page No. 432)

to take your shoes. If it is too hot, you can wear any pair of shoes until you buy a new one and return the pair which you took to their place so that their owner can find them, even if you think that they do not belong to anyone. Otherwise, endure swelter and receive the glad tidings, In sha'a-Allah (if Allah wills) until you reach your home.

Q 263: if a person comes out of the Haram (the Sacred Mosque in Makkah) and does not find their shoes, is it permissible to take another pair of shoes, given that they are collected and thrown on vacant land?

A: You are not allowed to take other people's shoes, unless you find only one pair of same style shoes. In this case, it is most likely that their owner was mistaken and took your shoes thinking they were theirs, as they resembled them.

Obligation of notifying gatherings of people of a lost item for a year

Q 264: A year ago, my sheep had been out to pasture and when they returned there was a goat with them. I have informed people of this, but its owner has not appeared. What is the ruling on this?

(Part No. 19; Page No. 433)

A: It is obligatory on you to announce this, and not just by telling your neighbors about it in normal conversation. You have to notify of it the gatherings of people, saying for example, "Who is the owner of a lost goat? Who is the owner of a lost goat?" Announce it at assemblies, in the Masjids (mosques), if there are any in the town, and at watering places where people usually gather, until someone comes and gives its characteristics. If a year then passes and no one claims it, the person who found it has a right to it, but if its owner comes and gives its description, even after two or three years, you should either give it to them or give them the price of it, if you have sold it or it has died.

Luqatah should not be declared inside Masjids

Q 265: Sometimes we find lost things (Luqata) near Masjids (mosques) whether money or other kinds of things. The place where they fall is bathrooms. should we declare them near the Masjid or inside the Masjid?

A: It should be declared near the Masjid not inside, you should say: "Who lost such and such", or you may place an announcement outside the Masjid but not inside.

266-

It is not permissible for the owner of

pigeons to take the pigeons of others

From `Abdul-`Aziz ibn `Abdullah ibn Baz **to the respected Muslim brother. May Allah protect you! As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).**

I would like to refer to your question recorded in the Administrations of Scientific Researches and Ifta' no. (593), on 10/2/1407 AH, which reads as follows: I have pigeons and sometimes I find pigeons with them which do not belong to me. I inquire about the permissibility of taking the extra ones.

A: They do not belong to you, so they are not lawful but you should report its owner to receive them or to block them from reaching you. May Allah grant success to all Muslims!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you).

Chairman of the Departments of Scholarly

Research, Ifta', Daw`ah, and Guidance

Obligation of making a Luqatah known, even after disposing of it

Q 267: A long time ago, I was grazing sheep when a young goat joined my sheep, so I slaughtered it and I ate with the shepherd who was with me. We looked for its owner to pay them for it, but we could not find them. The price of it, at that time, was 25 Sudanese pounds. What should we do now? May Allah reward you with the best!

A: If this happened a long time ago, you and your friend should give the price of it in Sadaqah (voluntary charity) intending it on behalf of its owner. If it happened a short time ago, you should notify of it the gatherings of people for a whole year, saying among people for example, "Who is the owner of a lost kid? Who is the owner of a lost kid?" so that it might be recognized. If anyone recognizes it, you should pay them its price. If no one recognizes it, you do not have to do anything else. If this took place a long time ago and it is too late to notify people, its owner may have forgotten it or left the area, it is better that you and your friend give the price of it in charity on behalf of its owner. However, if it is possible to announce it among the people for a whole year so its owner may recognize it,

this will be better, in the places where people gather, saying, "Who is the owner of a lost kid found at such-and-such a place?" If the owner recognizes it, you should give them its price if they ask for it. If they forgive you for this, there is no problem and you and your friend do not have to do anything else. If this took place so long ago that its owner is most likely not still there, you do not have to notify the people, but you should give its price in charity on behalf of its owner. However, if you announce it among the people as a precaution, this will be better, safer and more proper.

Possessing Al-Luqatah after declaring it and being not reclaimed by anyone

Q: I found a Luqata (lost item belongs to unknown person) which is a sum of money, I notified people about it in the place where I found it but no one asked reclaimed to be the owner, what should I do with it?

A: If you have notified people about it in public places for a full year for two, three or more times every month, you are entitled to possess it and if you found its owner within this time you should pay it to them for it is a trust or a loan in your hands, when you find its owner you should pay it to them. Otherwise, you can possess it. However, this ruling does not apply to

(Part No. 19; Page No. 437)

Al-Luqtah in Al-Haram (all areas within the Sacred Sanctuary of Makkah) for it is not allowable to possess or use Al-Luqtah in Al-Haram in Makkah or in Al-Madinah, but one should give it to its owner or submit it to the authority in charge Al-Haramayn. In this case, you are not discharged in front of Allah.

Ruling on disposing of a Luqatah found in Haram

Q 269: A woman found some gold jewelry in the Haram (the Sacred Mosque in Makkah). So she took it, added it to her own jewelry, and then sold all of it. She now regrets it; what should she do? May Allah reward you with the best!

A: She should give the equivalent value of the gold to the court along with its description, as its owner might appear and ask the committee responsible for Luqatah (a lost item found by someone else) about it. If this took place a long time ago, she should give its value in Sadaqah (voluntary charity) on behalf of its owner. This may suffice, In sha'a-Allah (if Allah wills), if she also performs Tawbah (repentance to Allah) and Istighfar (seeking forgiveness from Allah). If this happened recently, she should give its equivalent value to the court who will in turn give it to the Luqatah committee.

Al-Luqatah of a small amount need not be declared

Q 270: While throwing pebbles (at the stone pillars during Hajj), I felt that I dropped something. I then looked down to find fifty riyals. What shall I do? Shall I give them in charity?

A: This amount is small and need not be declared; it is not worth the bother of announcing it. But if you give it to those who are in charge of Al-Luqatahs (lost items found by someone else), there is nothing wrong with that. If you announce it as much as possible by saying, "Who lost some money at the Jamrat (stone pillars at which pebbles are thrown during Hajj, Jamrat-ul-`Aqabah being the closest to Makkah)?", among groups of people so that someone might come to you and claims it, in which case you can give it to him if his description matches it and there will be nothing wrong with it. However, if you give it in charity, it will also be unobjectionable, because it is a small amount. So, it will be unobjectionable if you give it in charity on behalf of its owner In sha'a-Allah (if Allah wills), and you will be rewarded.

Al-Luqata found in Haram

Q 271: A person found a watch in Haram (all areas within the Sacred Sanctuary of Makkah) and it has been with them now for over four years. What is the solution regarding it?

(Part No. 19; Page No. 439)

Should we return it to the Haram again, or give its value in charity to one of the poor, having established its worth with the watch sellers? May Allah reward you with the best!

A: It is not permissible to take a lost property (Al-Luqata) found in Haram, except for one who intends to announce it, according to the saying of the Prophet (peace be upon him): ﴾Property lost in Makkah is not permissible for anyone except its owner.﴿ (Agreed upon by Imams Al-Bukhari and Muslim)

So it is incumbent upon this person to submit Al-Luqatah to the High Court in Makkah so that it may be forwarded to the commitee responsible for lost properties in Haram. Having done that and performing Tawbah (repentance to Allah) for their nelgect - since they did not previously announce it - they will be free of blame. May Allah grant us success!

Q 272: What is the ruling on Al-Luqatah (a lost item found by someone else) of Al-Haram (all areas within the Sacred Sanctuary of Makkah)? Is it permissible to give it in charity to the poor or to use in building a Masjid (mosque) for example?

(Part No. 19; Page No. 440)

A: It is obligatory on a person who finds Luqatah in Al-Haram not to donate it to a Masjid (mosque) or give it in charity to the poor or others. Rather, one has to declare it only in Al-Haram at the gatherings of people saying, "Who lost such-and-such Dirhams, gold, etc.?" In this regard, the Prophet (peace be upon him) said: ﴾None should pick up the Luqatah of Al-Haram except that who announces it publicly.﴿ According to another narration, ﴾...except by him who makes a public announcement about it.﴿ The same applies to Haram (sanctuary) of Al-Madinah. However, it is also unobjectionable and freeing from blame to leave it where one finds it or to give it to the committee entrusted by the State with keeping Luqatahs.

The impermissibility of picking up Al-Luqatah of Al-Haram without a prior public declaration

Q 273: I went to perform Hajj with my father. I found 2250 Saudi riyals near Al-Jamrah Al-Wusta (the medium stone pillar) which my father donated to his Masjid (mosque). What is the ruling thereon?

(Part No. 19; Page No. 441)

A: It is obligatory on the one who finds a Luqatah (a lost item found by someone else) in Al-Haram (all areas within the Sacred Sanctuary of Makkah) not to donate it to a Masjid or otherwise; rather, he has to declare it publicly in Al-Haram saying, "Who lost dirhams?" The Prophet (peace be upon him) said: ﴾No one is to pick up the dropped things there except one who makes a public announcement of it.﴿ Thus, it may not be spent on any affair. Rather, it should be declared publicly until its owner comes. If one who finds it cannot announce it publicly, they have to deliver it to the court in Makkah or to the relevant authority so that he may be free from accountability and so that its owner may ask about it there.

The permissibility of picking up Al-Luqatah

of Al-Haram if it is of little value

Q: I found Luqatah (a lost item found by someone else) in Makkah (all areas within the Sacred Sanctuary of Makkah), about ten or fifteen Riyals, what shall I do with them?

A: For little Luqata that has no value, it is permissible to declare it to the people, to take it or to give it to the poor as in charity if it is little with no value such as ten, twenty, thirty Riyals or the like.

(Part No. 19; Page No. 442)

This Luqatah is of little importance. If you give it in charity on behalf of its owner it is permissible. If you use it, there is no blame on you and if you leave it, it is permissible. The same goes for shoes if they are thrown in places as unwanted things.

Q: Two years ago, I found a pen at the door of Al-Masjid Al-Nabawy (the Prophet's Mosque) Is it permissible for me to keep this pen or should I give it to the office of lost things at the Holy Mosque?

A: If it is of value, then give it to the office of lost things but if it is of little value such as a worthless stick or shoes, it is permissible then to take them or to use them. But if it is of value, you have to give it to the offices of lost things or to declare it to the people.

It is a must to declare

Al-Luqatah in the places where the people gather

Q: I found fifty Riyals, I asked a Sheikh what to do with it and he told me that I should give it to the poor in charity on behalf of its owner. Another Sheikh told me to give it to the security authority I will be in military accommodation and we have security at the door, what should I do?

(Part No. 19; Page No. 443)

A: You have to declare it to the people near the mosque when the people are gathered, you have to say loudly "Who is the owner of these Dirhams?". Al Luqatah in Makkah is not to be owned. It should only be declared. Fifty Riyals is of some importance. Otherwise you have to give it to the security as they are in charge or to give it to the court to identify it. It is better to identify it saying "whose are these Dirhams?" Every month twice, thrice or four times or leave it in its place or give it to the court to put it with lost and found items and that would be safer.

The one who disposes of a lost thing

and sells it

Q: My father bought a she camel thirty years ago, it was originally a Luqatah (a lost item found by someone else). He later sold it for eight thousand Riyals and bought, with its value, a she camel for seven thousand. My father now is in confusion regarding the camel which he bought with the money he sold the previous one for, the last one gave birth. Does he have to pay its value back, give the she camel back or give back its new born value or what should he do?

A: He has to give back the Dirhams to the owner of the she camel if he finds them but if he does not find them

he has to give the value of eight thousand Riyals in charity on behalf of its owner and he can keep the she camel he bought finally and its new born as it is his camel.

Part nineteen is finished and to be continued with part twenty starting with the Book of Endowment, Allah willing.